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The Lucknow Law Times

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PART II.

Central Ordinances, Acts of Parliament, Regulations, President's Acts and Constitution Amending Acts

—— : o : ——

THE AUROVILLE (EMERGENCY PROVISIONS) AMENDMENT ORDINANCE, 1987[1]

[No. 8 OF 1987]

(*Promulgated by the President in the Thirty-eight Year of the Republic of India*)

An Ordinance further to amend the Auroville (Emergency Provisions) Act, 1980

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action ;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1. **Short title and commencement**.—(1) This Ordinance may be called the Auroville (Emergency Provisions) Amendment Ordinance, 1987.

(2) It shall come into force at once.

2. **Amendment of Section 3**.—In Section 3 of the Auroville (Emergency Provisions) Act, 1980 (59 of 1980), in sub-section (1), in the proviso, for the words "seven years", the words "eight years" shall be *substituted*.

NOTES

Under Article 123 the Ordinances are limited in life and the Ordinance must be laid before Parliament and the life of the Ordinance may be further shortened. The power under Article 123 relates to policy and to an emergency when immediate action is considered necessary and if an objective test is applied the satisfaction of the President contemplated in Article 123 will be shorn of the power of the President himself and as the President will be acting on the advice of Council of Ministers it may lead to disclosure of facts which under Article 75(4) are not to be disclosed. For these reasons it must be held that the satisfaction of the President is subjective. *Rustom Cavasjee Cooper* v. *Union of India*, (1970) 1 SCC 248, 275, 276, 277, 347, 348, 350: AIR 1970 SC 564: (1970) 40 Com Cas 325.

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1. Promulgated by the President on October 28, 1987 and published in the Gazette of India, Extra., Part II, Section 1, dated 28th October, 1987, pp. 1-2. [W]

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THE ATOMIC ENERGY (AMENDMENT) ACT, 1987[1]

[No. 29 OF 1987]

[*8th September, 1987*]

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Sections

1. Short title.
2. Amendment of Section 2.
3. Amendment of Section 3.
4. Amendment of Section 22.
5. Amendment of Section 23.

An Act further to amend the Atomic Energy Act, 1962

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows :—

1. **Short title.**—This Act may be called the Atomic Energy (Amendment) Act, 1987.

2. **Amendment of Section 2.**—In Section 2 of the Atomic Energy Act, 1962 (33 of 1962) (hereinafter referred to as the principal Act), in sub-section (1), after clause (*b*), the following clause shall be *inserted*, namely :—

"(*bb*) 'Government company' means a company in which not less than fifty-one per cent of the paid up share capital is held by the Central Government.".

3. **Amendment of Section 3.**—In Section 3 of the principal Act,—

(*i*) in clause (*a*), after the words "atomic energy", the words "either by itself or through any authority or corporation established by it or a Government company" shall be *inserted*;

(*ii*) for clause (*b*), the following clauses shall be *substituted*, namely :—

"(*b*) to manufacture or otherwise produce any prescribed or radioative substance and any articles which in its opinion are, or are likely to be, required for, or in connection with, the production, development or use of atomic energy or such research as aforesaid and to dispose of such prescribed or radioactive substance or any articles manufactured or otherwise produced;

(*bb*) (*i*) to buy or otherwise acquire, store and transport any prescribed or radioactive substance and any articles which in its opinion are, or are likely to be, required for, or in connection with, the production, development or use of atomic energy; and

(*ii*) to dispose of such prescribed or radioactive substance or any articles bought or otherwise acquired by it,

either by itself or through any authority or corporation established by it, or a Government company;";

1. Received the assent of the President on September 8, 1987 and published in the Gazette of India, Extra., Part II, Section 1, dated 8th September, 1987, pp. 1-2. [W]

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(*iii*) in clause (*f*), after the words "all matters incidental thereto", the words "either by itself or through any authority or corporation established by it or a Government company" shall be *inserted*.

4. Amendment of Section 22.—In sub-section (1) of Section 22 of the principal Act,—

(*i*) in clause (*a*), after the words "to operate", the words, "either by itself or through any authority or corporation established by it or a Government company," shall be *inserted*;

(*ii*) in clause (*b*), for the words "with the concurrence of", the words, "either by itself or through any authority or corporation established by it or a Government company, in consultation with" shall be *substituted*;

(*iii*) in clause (*c*), after the words "is situated,", the words "either by itself or through any authority or corporation established by it or a Government company" shall be *inserted*;

(*iv*) in the proviso, after the words "Central Government", the words "or such authority or corporation or Government company, as the case may be," shall be *inserted*.

NOTES

Offence committed by society or company.—Natural persons are made vicariously liable for an offence when it is established that the offence was committed by a company and these persons had some means with the crime either because of their connivance with or due to their criminal negligence which had resulted in its commission. *Municipal Corporation, Delhi* v. *Bhagwan Dass*, 1972 Cri LJ 1433; See also *Municipal Corporation, Delhi* v. *Deepak Kumar*, 1974 FAC 496.

5. Amendment of Section 23.—In Section 23 of the principal Act, after the words "in relation to any factory owned by the Central Government", the words "or any authority or corporation established by it or a Government company" shall be *inserted*.

THE LEGAL SERVICES AUTHORITIES ACT, 1987[1]

[ACT NO. 39 OF 1987]

[*11th October, 1987*]

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1. Short title, extent and commencement.
2. Definitions.

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3. Constitution of the National Legal Services Authority.
4. Functions of the Central Authority.
5. Central Authority to work in coordination with other agencies.

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CHAPTER III

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6. Constitution of State Legal Services Authority.
7. Functions of the State Authority.
8. State Authority to act in coordination with other agencies and be subject to directions given by the Central Government, etc.
9. Constitution of District Authorities.
10. Functions of the District Authority.
11. District Authority to act in coordination with other agencies and be subject to directions given by the Central Authority, etc.

1. Received the assent of the President on October 11, 1987 and published in the Gazette of India, Extra., Part II, Section 1, dated October 12, 1987, pp. 1-12. [C][W]

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20. Cognizance of cases by Lok Adalats.
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23. Members and staff of Authorities and Lok Adalats to be public servants.
24. Protection of action taken in good faith.
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28. Power of the State Government to make rules.
29. Power to make regulations.
30. Laying of rules and regulations.

An Act to constitute legal services authorities to provide free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities, and to organise Lok Adalats to secure that the operation of the legal system promotes justice on a basis of equal opportunity

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows :—

Prefatory Note—Statement of Objects and Reasons.—Article 39-A of the Constitution provides that the State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

2. With the object of providing free legal aid, Government had, by a Resolution dated the 26th September, 1980 appointed the "Committee for Implementing Legal Aid Schemes" (CILAS) under the chairmanship of Mr. Justice P.N. Bhagwati (as he then was) to monitor and implement legal aid programmes on a uniform basis in all the States and Union territories. CILAS evolved a model scheme for legal aid programme applicable throughout the country by which several legal aid and advice Boards have been set up in the States and Union territories. CILAS is funded wholly by grants from the Central Government. The Government is accordingly concerned with the programme of legal aid as it is the implementation of a constitutional mandate. But on a review of the working of the CILAS, certain deficiencies have come to the fore. It is, therefore, felt that it will be desirable to constitute statutory legal service authorities at the national, State and District levels so as to provide for the effective monitoring of legal aid programmes. The Bill provides for the composition of such authorities and for the funding of these authorities by means of grants from the Central Government and the State Governments. Power has also been given to the National Committee and the State Committees to supervise the effective implementation of legal aid schemes.

3. For some time now, Lok Adalats are being constituted at various places in the country for the disposal, in a summary way and through the process of arbitration and settlement between the parties, of a large number of cases expeditiously and with lesser costs. The institution of Lok Adalats is at present functioning as a voluntary and conciliatory agency without any statutory backing for its decisions. It has proved to be very popular in providing for a speedier system of administration of justice. In view of its growing popularity, there has been a demand for providing a statutory backing to this institution and the awards given by Lok Adalats. It is felt that such a statutory support would not only reduce the burden of arrears of work in regular courts, but would also take justice to the door-steps of the poor and the needy and make justice quicker and less expensive.

4. The Bill seeks to achieve the above objects. The Notes on clauses explain the provisions of the Bill in detail.

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CHAPTER I

Preliminary

1. **Short title, extent and commencement.**—(1) This Act may be called the Legal Services Authorities Act, 1987.

(2) It extends to the whole of India, except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification, appoint; and different dates may be appointed for different provisions of this Act and for different States, and any reference to commencement in any provision of this Act in relation to any State shall be construed as a reference to the commencement of that provision in that State.

2. **Definitions.**—(1) In this Act, unless the context otherwise requires,—

(*a*) "Central Authority" means the National Legal Services Authority constituted under Section 3;

(*b*) "District Authority" means a District Legal Services Authority constituted under Section 9;

(*c*) "legal service" includes the rendering of any service in the conduct of any case or other legal proceeding before any court or other authority or tribunal and the giving of advice on any legal matter;

(*d*) "Lok Adalat" means a Lok Adalat organised under Chapter VI;

(*e*) "notification" means a notification published in the Official Gazette;

(*f*) "prescribed" means prescribed by rules made under this Act;

(*g*) "scheme" means any scheme framed by the Central Authority, a State Authority or a District Authority for the purpose of giving effect to any of the provisions of this Act;

(*h*) "State Authority" means a State Legal Services Authority constituted under Section 6;

(*i*) "State Government" includes the administrator of a Union territory appointed by the President under Article 239 of the Constitution.

(2) Any reference in this Act to any other enactment or any provision thereof shall, in relation to an area in which such enactment or provision is not in force, be construed as a reference to the corresponding law or the relevant provision of the corresponding law, if any, in force in that area.

CHAPTER II

The National Legal Services Authority

3. **Constitution of the National Legal Services Authority.**—(1) The Central Government shall constitute a body called the National Legal Services Authority to exercise the powers and perform the functions conferred on a Central Authority under this Act.

(2) The Central Authority shall consist of—

(*a*) the Chief Justice of India who shall be the Patron-in-Chief;

(*b*) a serving or retired Judge of the Supreme Court, nominated

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by the President, in consultation with the Chief Justice of India, who shall be the Executive Chairman; and

(*c*) such other members, possessing such experience and qualifications as may be prescribed and nominated by the Central Government.

(3) The Central Government shall appoint an officer of the Department of Legal Affairs of the Ministry of Law and Justice of the Government of India, not lower in rank than that of a Special Secretary to that Government as the Member-Secretary of the Central Authority.

(4) The terms and conditions of service of the members of the Central Authority shall be such as may be prescribed by the Central Government.

(5) The Central Government shall provide the Central Authority with such other officers and employees as it considers necessary for carrying out the functions of that Authority under this Act.

(6) The administrative expenses of the Central Authority, including the salaries, allowances and pensions payable to the officers and staff of the Central Authority shall be defrayed out of the Consolidated Fund of India.

(7) All orders and decisions of the Central Authority shall be authenticated by the Member-Secretary or any other officer of the Central Authority duly authorised by him in this behalf.

(8) No act or proceeding of the Central Authority shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the Central Authority.

4. **Functions of the Central Authority.**—The Central Authority shall, subject to the general directions of the Central Government, perform all or any of the following functions, namely:—

(*a*) lay down policies and principles for making legal services available under the provisions of this Act;

(*b*) frame the most effective and economical schemes for the purpose of making legal services available under the provisions of this Act;

(*c*) utilise the funds at its disposal and make appropriate allocations of funds to the State Authorities and District Authorities;

(*d*) take necessary steps by way of social justice litigation with regard to consumer protection, environmental protection or any other matter of special concern to the weaker sections of the society and for this purpose, give training to social workers in legal skills;

(*e*) organise legal aid camps, especially in rural areas, slums or labour colonies with the dual purpose of educating the weaker sections of the society as to their rights as well as encouraging the settlement of disputes through Lok Adalats;

(*f*) encourage the settlement of disputes by way of negotiations, arbitration and conciliation;

(*g*) undertake and promote research in the field of legal services with special reference to the need for such services among the poor;

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(*h*) to do all things necessary for the purpose of ensuring commitment to the fundamental duties of citizens under Part IV-A of the Constitution;

(*i*) monitor and evaluate implementation of the legal aid programmes at periodic intervals and provide for independent evaluation of programmes and schemes implemented in whole or in part by funds provided under this Act;

(*j*) recommend to the Central Government grants-in-aid for specific schemes to various voluntary social welfare institutions and the State and District Authorities, from out of the amounts placed at its disposal for the implementation of the legal services schemes under the provisions of this Act;

(*k*) develop, in consultation with the Bar Council of India, programmes for clinical legal education and promote guidance and supervise the establishment and working of legal services clinics in universities, law colleges and other institutions;

(*l*) take appropriate measures for spreading legal literacy and legal awareness amongst the people and, in particular, to educate weaker sections of the society about the rights, benefits and privileges guaranteed by social welfare legislations and other enactments as well as administrative programmes and measures;

(*m*) make special efforts to enlist the support of voluntary social welfare institutions working at the grass-root level, particularly among the Scheduled Castes and the Scheduled Tribes, women and rural and urban labour; and

(*n*) coordinate and monitor the functioning of State and District Authorities and other voluntary social welfare institutions and other legal services organisations and give general directions for the proper implementation of the legal services programmes.

5. Central Authority to work in coordination with other agencies.—In the discharge of its functions under this Act, the Central Authority shall, wherever appropriate, act in coordination with other governmental and non-governmental agencies, universities and others engaged in the work of promoting the cause of legal services to the poor.

CHAPTER III

State Legal Services Authority

6. Constitution of State Legal Services Authority.—(1) Every State Government shall constitute a Legal Services Authority for the State to exercise the powers and perform the functions conferred on a State Authority under this Act.

(2) A State Authority shall consist of—

(*a*) the Chief Justice of the High Court or any other serving or retired Judge of the High Court nominated by the Governor in consultation with the Chief Justice, who shall be the Chairman of the State Authority; and

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(*b*) such other members, possessing such experience and qualifications as may be prescribed and nominated by the State Government.

(3) The State Government shall appoint the Law Secretary or the Judicial Secretary of the State as the Member-Secretary of the State Authority.

(4) The terms and conditions of service of the members of the State Authority shall be such as may be prescribed by the State Government.

(5) The State Government shall provide to the State Authority with such officers and employees as it considers necessary for carrying out the functions of that Authority under this Act.

(6) The administrative expenses of the State Authority, including the salaries, allowances and pensions payable to the Member-Secretary and other officers and staff shall be defrayed out of the Consolidated Fund of the State.

(7) All orders and decisions of the State Authority shall be authenticated by the Member-Secretary or any other officer of the State Authority duly authorised by him in this behalf.

(8) No act or proceeding of a State Authority shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the State Authority.

7. **Functions of the State Authority.**—(1) It shall be the duty of the State Authority to give effect to the policy and directions of the Central Authority.

(2) Without prejudice to the generality of the functions referred to in sub-section (1), the State Authority shall perform all or any of the following functions, namely :—

(*a*) give legal service to persons who satisfy the criteria laid down under this Act;

(*b*) conduct Lok Adalats;

(*c*) undertake preventive and strategic legal aid programmes; and

(*d*) perform such other functions as the State Authority may, in consultation with the Central Government, fix by regulations.

8. **State Authority to act in coordination with other agencies and be subject to directions given by the Central Government, etc.**—In the discharge of its functions under this Act, the State Authority shall, wherever appropriate, act in coordination with other governmental agencies, non-governmental voluntary social welfare institutions, universities and others engaged in the work of promoting the cause of legal services to the poor and shall be guided by such directions as the Central Government, the State Government or the Central Authority may give to it in writing.

9. **Constitution of District Authorities.**—(1) Every State Government shall constitute a Legal Services Authority for every District in the State to exercise the powers and perform the functions conferred on the District Authority under this Act.

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(2) A District Authority shall consist of—

(*a*) the District Judge, who shall be its Chairman ; and

(*b*) such other members possessing such qualifications and experience as may be prescribed and nominated by that Government.

(3) The State Government shall also appoint one of the members of the District Authority as the Secretary of that Authority.

(4) The terms and conditions of service of the members of the District Authority shall be such as may be prescribed by the State Government.

(5) The State Government shall provide every District Authority with such staff as it considers necessary for carrying out the functions assigned to the District Authorities under this Act.

(6) The administrative expenses of every District Authority, including the salaries, allowances and pensions payable to the Secretary of every District Authority and the other staff shall be defrayed out of the Consolidated Fund of the State.

(7) All orders and decisions of a District Authority shall be authenticated by the Secretary or any other officer of the Authority duly authorised by him in this behalf.

(8) No act or proceeding of a District Authority shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the District Authority.

10. Functions of the District Authority.—(1) It shall be the duty of every District Authority to perform such of the functions of the State Authority in the District as may be delegated to it from time to time by the State Authority.

(2) Without prejudice to the generality of the functions referred to in sub-section (1), the District Authority may perform all or any of the following functions, namely :—

(*a*) coordinate the activities of legal services in the District ;

(*b*) organise Lok Adalats within the District ; and

(*c*) perform such other functions as the State Authority may, in consultation with the State Government, fix by regulations.

11. District Authority to act in coordination with other agencies and be subject to directions given by the Central Authority, etc.—In the discharge of its functions under this Act, the District Authority shall, wherever appropriate, act in coordination with other governmental and non-governmental institutions, universities and others engaged in the work of promoting the cause of legal services to the poor and shall also be guided by such directions as the Central Authority or the State Authority may give to it in writing.

CHAPTER IV

Entitlement to Legal Services

12. Criteria for giving legal services.—Every person who has to file or defend a case shall be entitled to legal services under this Act if that person is—

(*a*) a member of a Scheduled Caste or Scheduled Tribe ;

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(*b*) a victim of trafficking in human beings or *begar* as referred to in Article 23 of the Constitution ;

(*c*) a woman or a child ;

(*d*) a mentally ill or otherwise disabled person ;

(*e*) a person under circumstances of undeserved want such as being a victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster ; or

(*f*) an industrial workman ; or

(*g*) in custody, including custody in a protective home within the meaning of clause (*g*) of Section 2 of the Immoral Traffic (Prevention) Act, 1956 (104 of 1956), or in a juvenile home within the meaning of clause (*j*) of Section 2 of the Juvenile Justice Act, 1986 (53 of 1986), or in a psychiatric hospital or psychiatric nursing home within the meaning of clause (*g*) of Section 2 of the Mental Health Act, 1987 (14 of 1987) ; or

(*h*) in receipt of annual income less than nine thousand rupees if the case is before a court other than the Supreme Court; and less than twelve thousand rupees or such other amount as may be prescribed by the Central Government if the case is before the Supreme Court.

13. Entitlement for legal services.—(1) Persons who satisfy all or any of the criteria specified in Section 12 shall be entitled to receive legal services provided that the concerned Authority is satisfied that such person has a *prima facie* case to prosecute or to defend.

(2) An affidavit made by a person as to his income may be regarded as sufficient for making him eligible to the entitlement of legal services under this Act unless the concerned Authority has reason to disbelieve such affidavit.

NOTES

Free legal assistance at State cost is a fundamental right of a person accused of an offence which may involve jeopardy to his life or personal liberty and this fundamental right is implicit in the requirement of reasonable, fair and just procedure prescribed by Art. 21.

The exercise of this fundamental right is not conditional upon the accused applying for free legal aid and hence cannot be denied if the accused failed to apply for it. Illiteracy, poverty and ignorance of rights and entitlements under the law abounds leading to deception, exploitation and deprivation of rights and benefits under the law. It would be a mockery of the legal aid programme if it were to be left to the poor, ignorant and illiterate accused to ask for free legal services.

Since Supreme Court's judgment in *Khatri* (*II*) on December 19, 1980 every Magistrate or the Sessions Judge before whom an accused appears is under an obligation to inform the accused that if he is unable to engage the services of a lawyer on account of poverty or indigence, he is entitled to obtain free legal services at the cost of the State, unless he is not willing to take advantage of it. And every State has to make provision for such free legal aid services if it would result in a sentence of imprisonment and is of such nature that the circumstances of the case and the needs of social justice require that he should be given free legal representation. *Suk Das* v. *Union Territory of Arunachal Pradesh*, (1986) 2 SCC 401, 406 to 409 : 1986 SCC (Cri) 166.

CHAPTER V

Finance, accounts and audit

14. Grants by the Central Government.—The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay

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to the Central Authority, by way of grants, such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.

15. National Legal Aid Fund.—(1) The Central Authority shall establish a Fund to be called the National Legal Aid Fund and there shall be credited thereto—

(*a*) all sums of money given as grants by the Central Government under Section 14;

(*b*) any grants or donations that may be made to the Central Authority by any other person for the purposes of this Act;

(*c*) any amount received by the Central Authority under the orders of any court or from any other source.

(2) The National Legal Aid Fund shall be applied for meeting—

(*a*) the cost of legal services provided under this Act including grants made to State Authorities;

(*b*) any other expenses which are required to be met by the Central Authority.

16. State Legal Aid Fund.—(1) A State Authority shall establish a fund to be called the State Legal Aid Fund and there shall be credited thereto—

(*a*) all sums of money paid to it or any grants made by the Central Authority for the purposes of this Act;

(*b*) any grants or donations that may be made to the State Authority by the State Government or by any person for the purposes of this Act;

(*c*) any other amount received by the State Authority under the orders of any court or from any other source.

(2) A State Legal Aid Fund shall be applied for meeting—

(*a*) the cost of functions referred to in Section 7;

(*b*) any other expenses which are required to be met by the State Authority.

17. District Legal Aid Fund.—(1) Every District Authority shall establish a fund to be called the District Legal Aid Fund and there shall be credited thereto—

(*a*) all sums of money paid or any grants made by the State Authority to the District Authority for the purposes of this Act;

(*b*) any grants or donations that may be made to the District Authority by any person for the purposes of this Act;

(*c*) any other amount received by the District Authority under the orders of any court or from any other source.

(2) A District Legal Aid Fund shall be applied for meeting—

(*a*) the cost of functions referred to in Section 10;

(*b*) any other expenses which are required to be met by the District Authority.

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18. Accounts and audit.—(1) The Central Authority, State Authority or the District Authority (hereinafter referred to in this section as 'the Authority'), as the case may be, shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the income and expenditure account and the balance-sheet in such form and in such manner as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Authorities shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority concerned to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the auditing of the accounts of an Authority under this Act shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the auditing of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Authorities under this Act.

(4) The accounts of the Authorities, as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon, shall be forwarded annually by the Authorities to the Central Government or the State Governments, as the case may be.

CHAPTER VI

Lok Adalats

19. Organisation of Lok Adalats.—(1) The State or District Authorities may organise Lok Adalats at such intervals and places and for exercising such jurisdiction and for such areas, as they think fit.

(2) Every Lok Adalat organised for an area shall consist of such judicial officers of the area as may be specified by the State or District Authorities organising the Lok Adalat and such other members possessing such qualifications and experience as may be prescribed by the State Government.

(3) A Lok Adalat shall have jurisdiction to determine and arrive at a compromise or settlement between the parties to a dispute in respect of any matter falling within the jurisdiction of any civil, criminal or revenue court or any tribunal constituted under any law for the time being in force in the area for which the Lok Adalat is organised.

20. Cognizance of cases by Lok Adalats.—(1) Where, in any suit or other proceeding which is capable of being taken cognizance of by a Lok Adalat under the provisions of this Act and pending before any court or tribunal, if the parties thereof make a joint application to the court or tribunal indicating their intention to compromise the matter or to arrive at a settlement, the presiding officer of the court or tribunal, as the case may be, may, instead of proceeding to effect a compromise between the parties or to arrive at a settlement himself, and notwithstanding anything contained in any other law for the time being in force, pass an order that the suit or proceeding shall stand transferred to the Lok Adalat for arriving at a compromise or settlement.

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(2) Notwithstanding anything contained in any other law for the time being in force, the District Authority may, on receipt of an application from any person that any dispute or matter pending for a compromise or settlement needs to be determined by a Lok Adalat, refer such dispute or matter to the Lok Adalat for determination.

(3) Where any suit or proceeding is transferred to a Lok Adalat under sub-section (1) or where a reference has been made to it under sub-section (2), the Lok Adalat shall proceed to dispose of the suit, proceeding, dispute or matter and arrive at a compromise or settlement between the parties.

(4) Every Lok Adalat shall, while determining any proceeding before it under this Act, act with utmost expedition to arrive at a compromise or settlement between the parties and shall be guided by legal principles and the principles of justice, equity and fair play.

(5) Where no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, it shall be open to the parties to a suit or proceeding transferred from a court or tribunal under sub-section (1) to continue such suit or proceeding before such court or tribunal, or if it is a dispute or matter referred to a Lok Adalat under sub-section (1), any of the persons may institute a proceeding in an appropriate court.

(6) Where, under sub-section (5), the parties to a suit or proceeding intend to continue the proceeding in such suit or proceeding before the court or tribunal from which it was transferred, such court or tribunal shall proceed to deal with such suit or proceeding from the stage at which it was before the suit or proceeding was transferred to the Lok Adalat.

21. Award of Lok Adalat.—(1) Every award of the Lok Adalat shall be deemed to be a decree of a civil court or order of any other court or tribunal and where a compromise or settlement has been arrived at, by a Lok Adalat in a suit or proceeding transferred to it under sub-section (1) of Section 20, the court fee paid in such suit or proceeding shall be refunded in the manner provided under the Court-fees Act, 1870 (7 of 1870).

(2) Every award made by a Lok Adalat shall be final and binding on all the parties to the dispute, and no appeal shall lie to any court against the award.

22. Powers of Lok Adalats.—(1) The Lok Adalat shall, for the purposes of holding any determination under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) while trying a suit in respect of the following matters, namely :—

(*a*) the summoning and enforcing the attendance of any witness and examining him on oath ;

(*b*) the discovery and production of any document ;

(*c*) the reception of evidence on affidavits ;

(*d*) the requisitioning of any public record or document or copy of such record or document from any court or office ; and

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(e) such other matters as may be prescribed.

(2) Without prejudice to the generality of the powers contained in sub-section (1), every Lok Adalat shall have the requisite powers to specify its own procedure for the determination of any dispute coming before it.

(3) All proceedings before a Lok Adalat shall be deemed to be judicial proceedings within the meaning of Sections 193, 219 and 228 of the Indian Penal Code (45 of 1860) and every Lok Adalat shall be deemed to be a civil court for the purpose of Section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

CHAPTER VII

Miscellaneous

23. **Members and staff of Authorities and Lok Adalats to be public servants.**—The members of the Central Authority, the State Authorities and the District Authorities, and officers and other employees provided to such Authorities and the members of the Lok Adalats shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code (45 of 1860).

24. **Protection of action taken in good faith.**—No suit, prosecution or other legal proceeding shall lie against the Central Government or State Government or against the Chairman or any other member of any Central, State or District Authority or any other person authorised by such Chairman or other member, for anything which is in good faith done or intended to be done under the provisions of this Act or any rule, regulation or order made thereunder.

NOTES

Good faith.—The term 'good faith' has been defined differently in different enactments. In Section 3(22) of the General Clauses Act, 1897 'good faith' was defined thus: "a thing shall be deemed to be done in 'good faith' where it is in fact done honestly, whether it is done negligently or not". In Section 52 I.P.C., "good faith" is defined thus: "Nothing is said to be done or believed in good faith which is done or believed without due care and attention."

25. **Act to have overriding effect.**—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

26. **Power to remove difficulties.**—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date on which this Act receives the assent of the President.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

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27. Power of the Central Government to make rules.—(1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all matters in respect of which rules are required to be made by the Central Government under this Act.

28. Power of the State Government to make rules.—A State Government may, by notification, make rules to provide for any matter, not being a matter specified in Section 27, in respect of which rules are required to be made by the State Government under this Act.

29. Power to make regulations.—The Central Authority and every State Authority may, by notification, make regulations not inconsistent with the provisions of this Act and the rules made thereunder, to provide for all matters in respect of which regulations are required to be made by the Central or State Authorities under this Act.

NOTES

The rules and regulations do not lose their character as rules and regulations, even though they are to be of the same effect as if contained in the Act. They continue to be rules subordinate to the Act, and though for certain purposes, including the purpose of construction, they are to be treated as if contained in the Act, their true nature as subordinate rules is not lost. Therefore, with regard to the effect of a repeal of the Act, they continue to be subject to the operation of Section 24 of the General Clauses Act. *Chief Inspector Mines* v. *K.C. Thapar*, (1962) 1 SCR 9 : AIR 1961 SC 838 : (1961) 2 SCA 86 : 1961 (2) Cri LJ 1 : 1961 SCD 571 : (1961-62) 20 FJR 282 : 1961 BLJR 573 : (1961) 2 Lab LJ 146 : 1961 (3) FLR 241.

Where the regulations are changed for particular cases, there will be violation of Equality Clause. *Ram Prasad* v. *State of Bihar*, 1953 SCR 1129 : AIR 1953 SC 215 : 1953 SCA 578 : 32 Pat 375 : 8 DLR (SC) 289 : 1953 BLJR 318.

Rules and regulations have the force of law. Therefore, writ of mandamus will be available against administrative or quasi-judicial authority, which refuses to follow the rules, *State of U.P.* v. *Baburam*, (1961) 2 SCR 679 : AIR 1961 SC 751.

30. Laying of rules and regulations.—(1) Every rule made under this Act by the Central Government and every regulation made by the Central Authority thereunder shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation, or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

(2) Every rule made under this Act by a State Government and every regulation made by a State Authority thereunder shall be laid, as soon as may be after it is made, before the State Legislature.

———

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THE NATIONAL DAIRY DEVELOPMENT BOARD ACT, 1987[1]

[No. 37 OF 1987]

[*15th September, 1987*]

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1. Received the assent of the President on September 15, 1987 and published in the Gazette of India, Extra., Part II, Section 1, dated 15th September, 1987, pp. 1-20.

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THE SCHEDULE

An Act to declare the institution known as the National Dairy Development Board in the State of Gujarat to be an institution of national importance and to provide for its incorporation and for the vesting in that body corporate of the undertakings of the Indian Diary Corporation with a view to provide for the administration and the carrying on of the functions to be performed by the body corporate more effectively throughout the country and for matters connected therewith and incidental thereto.

Whereas the National Dairy Development Board, a society formed and registered under the Societies Registration Act, 1860 (21 of 1860) has been serving the country by the adoption of a co-operative strategy, being a strategy evolved at Anand (Gujarat), for the economic development of the rural masses and has been playing a vital role in improving the quality of life of the people through co-operative effort;

And whereas the objects of the National Dairy Development Board are such as to make it an institution of national importance and to constitute it as a body corporate;

And whereas the functions of the Indian Dairy Corporation, a company formed and registered under the Companies Act, 1956 (1 of 1956), and the functions of the National Dairy Development Board are complementary to each other and aimed at achieving common objectives;

And whereas it is necessary that the freedom and flexibility of operation hitherto available to the National Dairy Development Board should continue to be available to it so as to enable it to perform its functions more effectively and to play a wider and increasingly important role in serving the nation;

And whereas it is considered necessary to vest the undertakings of the Indian Dairy Corporation in the National Dairy Development Board and to dissolve the said Corporation with a view to provide for the administration and the carrying on of the functions to be performed by the body corporate more effectively.

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows :—

Prefatory Note—Statement of Objects and Reasons.—(1) The National Dairy Development Board (NDDB) was set up in 1965 by the Government of India as a registered society with the primary objective for providing technical services to implementing agencies in building up their dairy projects on co-operative lines on the pattern of the Kaira District Co-operative Milk Producers' Union Limited, Anand, popularly known as the 'Anand pattern'. The National Dairy Development Board has since been progressively playing a wider role together with the Indian Dairy Corporation which is a company formed in 1970 to give supportive assistance in the implementation of the Operation Flood Programme.

2. The Central Government had appointed a Committee—commonly known as the Jha Committee—which had recommended the formation of a body corporate to perform the functions of both these institutions taking care to ensure that the autonomy and freedom and flexibility presently enjoyed by the National Dairy Development Board is not adversely affected thereby.

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3. To achieve the above, it is proposed to declare the National Dairy Development Board as an institution of national importance and incorporate it as a statutory body. With the enlargement of functions of the National Dairy Development Board over the years, it is felt that the functions of both the institutions can henceforth be performed by the corporate body and as such it is proposed to vest the undertakings of the Indian Dairy Corporation in the body corporate and dissolve the Indian Dairy Corporation.

4. The name of the National Dairy Development Board is retained for the corporate body so that there may be a continuity in reputation and understanding both in India and abroad. Provisions have been included in the Bill to ensure that the body corporate is able to carry on all the functions that they are discharging at present and play an enlarged and vital role with regard to milk, milk products and other commodities with which it is concerned or in respect of which the Government deems it necessary to involve them.

5. The Bill also makes provision for better administration of the body corporate including the constitution of the fund, provision for accounts, audit, etc.

6. The Notes on clauses explain in detail the provisions of the Bill.

7. The Bill seeks to achieve the above objectives.

CHAPTER I

Preliminary

1. **Short title and commencement.**—(1) This Act may be called the National Dairy Development Board Act, 1987.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. **Declaration of National Dairy Development Board as an institution of national importance.**—Whereas the objects of the National Dairy Development Board at Anand in the State of Gujarat are such as to make the institution one of national importance, it is hereby declared that the National Dairy Development Board is an institution of national importance.

3. **Definitions.**—In this Act, unless the context otherwise requires,—

(*a*) "appointed day" means the date of commencement of this Act;

(*b*) "Board" means the Board of Directors of the National Dairy Development Board;

(*c*) "Chairman" means the Chairman of the National Dairy Development Board;

(*d*) "Companies Act" means the Companies Act, 1956 (1 of 1956);

(*e*) "director" means a director of the National Dairy Development Board, and includes the Chairman;

(*f*) "foodstuffs" means such of the foodstuffs as are included in the definition of essential commodities as contained in clause (*a*) of Section 2 of the Essential Commodities Act, 1955 (10 of 1955);

NOTES

The word 'foodstuffs' which occurs in clause (*v*) of S. 2 (*a*) is not defined in the Act and therefore it must receive its ordinary and natural meaning, that is to say, a meaning which takes account of and accords with the day-to-day affairs of life. Any stuff which is

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commonly used as food by the generality of living beings is foodstuff: it is not legitimate to restrict the meaning of that word to things which are used as food by human beings. Cattle feed and poultry feed are food to the cattle and the poultry, and therefore, they are foodstuffs. Since 'rice bran' is commonly used as poultry feed and not uncommonly as cattle feed, it is a 'foodstuff' and therefore, an 'essential commodity' within the meaning of S. 2 (*a*) (*v*) of the Act.

That being so, the power conferred by Section 3 of the Act can be exercised for the purpose of regulating sale and supply rice bran. In view of this, Clause 3 of the Haryana Rice Bran (Distribution and Price) Control Order is not open to challenge. *Sat Pal Gupta* v. *State of Haryana*, (1982) 1 SCC 610 : 1982 SCC (Cri) 327.

Whether the word "foodstuff" is to be construed narrowly or widely cannot be answered in the abstract and must be viewed in relation to its background and context.

"Foodstuff" has no special meaning of its own. It merely carries us back to the definition of "food" because "foodstuff" is anything which is used as "food".

Turmeric falls within the wider definition of "food" and "foodstuffs" given in a dictionary of international standing as well as in several English decisions. It is as much a "foodstuff" in its wider meaning as sausage skins and baking powder and tea. *State of Bombay* v. *Virkumar Gulabchand Shah*, 1952 SCR 877 : AIR 1952 SC 335, 337, 339 : 1952 Cri LJ 1406.

Rice bran—Held is a 'foodstuff' and therefore 'essential commodity' within Section 2 (*a*) (*v*) and subject to control under Section 3 of the Essential Commodities Act—*Hence Clause 3 of Haryana Rice Bran Distribution and Price (Control) Order, 1967, issued under Section 3 read with Section 5 of the Act, held, valid.*

Raw cashewnut is a foodstuff within Section 2 (*a*) (*v*) and therefore, beyond State's power to declare it as an essential (Temporary Powers) Act, 1961. *K. Janardhan Pillai* v. *Union of India*, (1981) 2 SCC 45.

(*g*) "Indian Dairy Corporation" means the Indian Dairy Corporation, a company formed and registered under the Companies Act, and having its registered office at Baroda in the State of Gujarat;

(*h*) "milk product" means—

(*i*) sterilised standardised, recombined, toned, double-toned, skimmed, flavoured or acidified milk;

(*ii*) ice-cream;

(*iii*) cream;

(*iv*) cheese;

(*v*) butter;

(*vi*) milk powders;

(*vii*) weaning foods with milk and infant milk foods;

(*viii*) malted milk foods with or without cocoa powder;

(*ix*) ghee;

(*x*) anhydrous milk fat and butter oil;

(*xi*) casein;

(*xii*) any other product containing milk or all or any of the milk products specified above which the Central Government may, by notification in the Official Gazette, specify in this behalf;

(*i*) "National Dairy Development Board" means the National Dairy Development Board incorporated under Section 4;

(*j*) "prescribed" means prescribed by regulations made under this Act;

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(*k*) "restructuring and streamlining", in relation to the organisational and functional set-up of the National Dairy Development Board, includes—

(*i*) opening or closing of units or offices;

(*ii*) revision of the organisational and functional set-up;

(*iii*) declaration of staff required;

(*iv*) integration of posts, fixation of seniority and pay scales;

(*v*) integration of required personnel in the revised set-up and issuance of appointment orders in that behalf;

(*vi*) declaration or demarcation of duties and responsibilities attendant to posts;

(*vii*) declaration of posts equivalent to one another; and

(*viii*) any other matter that may be necessary or incidental to meet the organisational or functional needs of the National Dairy Development Board;

(*l*) "society" means the National Dairy Development Board, a society formed and registered under the Societies Registration Act, 1860 (21 of 1860) and functioning as such immediately before the appointed day;

(*m*) words and expressions used herein and not defined, but defined in the Companies Act, have the meanings respectively assigned to them in that Act.

CHAPTER II

The National Dairy Development Board

4. Incorporation of National Dairy Development Board.—(1) The National Dairy Development Board is hereby constituted a body corporate by the same name, and as such body corporate, it shall have perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and shall, by that name, sue and be sued.

(2) The head office of the National Dairy Development Board shall be at Anand in the State of Gujarat.

(3) The National Dairy Development Board may establish units, offices, branches or agencies at any such place in or outside India as it may consider necessary.

5. Vesting of undertakings of Indian Dairy Corporation in National Dairy Development Board and dissolution of Indian Dairy Corporation.—(1) On and from the appointed day, subject to the other provisions of this Act, all the undertakings of the Indian Diary Corporation shall stand transferred to and vest in the National Dairy Development Board.

(2) Notwithstanding anything contained in the Companies Act, the Indian Dairy Corporation shall, on and from the appointed day, stand dissolved by virtue of the provisions of this Act.

6. Effect of incorporation of National Dairy Development Board.—On and from the appointed day,—

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(*a*) all properties and assets, movable and immovable, of, or belonging to, the society and the Indian Dairy Corporation (hereinafter referred to as the dissolved company) shall vest in the National Dairy Development Board;

(*b*) all the rights, debts, liabilities, interests, privileges and obligations of the society and the Indian Dairy Corporation shall stand transferred to, and be the rights, liabilities, interests, privileges and obligations of, the National Dairy Development Board;

(*c*) without prejudice to the provisions of clause (*b*), all debts, liabilities and obligations incurred, all contracts entered into and all matters and things engaged to be done by, with or for, the society or the dissolved company, immediately before the appointed day for or in connection with their purposes, shall be deemed to have been incurred, entered into, or engaged to be done by, with or for the National Dairy Development Board;

(*d*) all sums of money due to the society and the dissolved company, immediately before the appointed day, shall be deemed to be due to the Board;

(*e*) every subsidiary of the society and the dissolved company shall become the subsidiary of the National Dairy Development Board;

(*f*) every organisation, which was being managed immediately before the appointed day by the society or, as the case may be, by the dissolved company, shall be managed by the National Dairy Development Board for such period to such extent and in such manner as the circumstances may require;

(*g*) every organisation which was getting financial, managerial or technical assistance from the society or the dissolved company, immediately before the appointed day, may continue to be given financial, managerial or technical assistance, as the case may be, by the National Dairy Development Board, for such period, to such extent and in such manner as the National Dairy Development Board may deem fit;

(*h*) the amount representing the capital of the dissolved company shall form part of the funds of the National Dairy Development Board;

(*i*) any reference to the society or, as the case may be, to the dissolved company, in any law other than this Act or in any contract or other instrument, shall be deemed to be reference to the National Dairy Development Board.

7. Savings of legal proceedings.—If, on the appointed day, there is pending any suit, arbitration, appeal or other legal proceedings of whatever nature by or against the society or the dissolved company, the same shall not abate, be discontinued or be in any way prejudicially affected by reason of the incorporation of the National Dairy Development Board under Section 4 or dissolution of the Indian Dairy Corporation under Section 5, as the case may be, but the suit, arbitration, appeal or other proceedings may be continued prosecuted and enforced by or against the National Dairy Development Board in the same manner and to the same extent as it would or may

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have been continued, prosecuted and enforced by or against the society or the dissolved company, as the case may be, if this Act had not been passed.

CHAPTER III

Management of the National Dairy Development Board

8. Management of National Dairy Development Board and composition of its Board of Directors.—(1) The general superintendence, direction, control and management of the affairs and business of the National Dairy Development Board shall vest in a Board of Directors, which shall exercise all powers and do all acts and things which may be exercised or done by the National Dairy Development Board.

(2) The Board of Directors of the National Dairy Development Board shall consist of the following, namely :—

(*a*) a Chairman ;

(*b*) one director from amongst the officials of the Central Government ;

(*c*) two directors from amongst the Chairmen of the State Co-operative Dairy Federations ;

(*d*) whole-time directors, not more than three in number, from amongst the executives of the highest grade of the National Dairy Development Board ;

(*e*) one director, being an expert, from outside the National Dairy Development Board.

(3) The Chairman and the director referred to in clause (*b*) of sub-section (2) shall be nominated by the Central Government and the directors referred to in clauses (*c*), (*d*) and (*e*) of sub-section (2) shall be nominated by the Central Government after consultation with the Chairman :

Provided that the Chairman and the director referred to in clause (*e*) of sub-section (2) shall be persons professionally qualified in one or more specilities, namely, dairying, animal husbandry, rural economics, rural development, business administration or banking.

(4) The Board may associate with itself, in such manner, on such terms and for such purposes as it may deem fit, any person whose assistance or advice it may desire in complying with any of the provisions of this Act, and a person so associated shall have the right to take part in the discussions of the Board relevant to the purposes for which he has been associated but shall not have the right to vote.

9. Terms of office and conditions of service, etc., of Chairman and directors.—(1) The Chairman shall be the Chief Executive of the National Dairy Development Board and shall hold office for such period as the Central Government may determine and any person so nominated shall be eligible for renomination.

(2) Notwithstanding anything contained in sub-section (1), the Central Government shall have the right to terminate the services of the Chairman, at any time before the expiry of the period determined under that sub-section, by giving him notice of not less than three months in writing or

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three months' salary and allowances in lieu thereof, and the Chairman shall also have the right to relinquish his office, at any time before the expiry of the period specified under that sub-section, by giving to the Central Government notice of not less than three months in writing.

(3) The Chairman shall receive such salary and allowances as may be determined by the Central Government.

(4) Where an executive of the National Dairy Development Board has been nominated under Section 8 as a whole-time director thereof, such nomination shall be without prejudice to his continuance as an executive of the National Dairy Development Board and he may be continued as such executive on his ceasing to be a director.

(5) The directors nominated under clause (*c*) of sub-section (2) of Section 8 shall hold office for such period not exceeding one year at a time as the Central Government may determine, and the directors nominated under clauses (*d*) and (*e*) of sub-section (2) of Section 8 shall hold office for such period as the Central Government may determine.

(6) Every director, other than the Chairman, shall hold office during the pleasure of the Central Government.

(7) The directors referred to in clauses (*b*), (*c*) and (*e*) of sub-section (2) of Section 8 shall be paid such allowances as the Central Government may determine.

10. Meetings of Board.—(1) The Board shall meet at the head office of the National Dairy Development Board or any of its offices at such times as the Chairman may direct, and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at its meetings) as may be prescribed.

(2) The Chairman or, if he is unable to attend a meeting of the Board, any other director nominated by the Chairman in this behalf and, in the absence of such nomination or where there is no Chairman, any director chosen by the directors present from among themselves, shall preside at the meeting.

(3) All questions which come up before any meeting of the Board shall be decided by a majority of votes of the directors present and voting and in the event of an equality of votes, the Chairman or the person presiding shall have the right to exercise a second or casting vote.

(4) Save as otherwise provided in sub-section (3), every director the Board shall have one vote.

11. Manner of transacting business of Board.—(1) Subject to the provisions of this Act, the Board shall, in the discharge of its functions, act on sound business principles with due regard to public interest.

(2) Save as otherwise prescribed, the Chairman shall have the powers of general superintendence, direction, control and management of the affairs and business of the National Dairy Development Board, and he may exercise all other powers and do all acts and things which may be exercised or done by the Board.

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(3) The Chairman may, when he is unable to discharge his functions by reason of his being away or otherwise, authorise any whole-time director to discharge all or any of his functions for a temporary period.

(4) In the absence of the Chairman and of an authorised whole-time director as referred to in sub-section (3), for whatsoever reason, the powers of the Chairman may be exercised by the senior-most of the whole-time directors referred to in clause (*d*) of sub-section (2) of Section 8.

12. Management committees.—(1) The Board may from time to time constitute such number of management committees as it may deem fit for the purpose of assisting the Board in the efficient discharge of its functions.

(2) A management committee shall consist of such number of persons (whether directors or otherwise) as its members as the Board may determine, subject to the condition that in every such committee either the Chairman or a whole-time director shall be a member thereof.

(3) Every management committee shall function under the general control, direction and superintendence of the Board, and for such duration and in such manner as the Board may direct.

(4) The minutes of every meeting of the management committees shall, as soon as may be, be laid before the Board.

13. Allowances, etc., of members of management committees.—(1) The members of any management committee, other than the Chairman and whole-time directors, may be paid such allowances, if any, as may be prescribed, for attending the meetings of the management committee or for attending to any other work of the National Dairy Development Board.

(2) All other matters pertaining to the conduct of proceedings of the management committees shall be such as may be prescribed.

14. Delegation of powers to management committee etc.—(1) The Board may delegate to any management committee or to any member thereof or to any officer of the National Dairy Development Board, subject to such conditions and limitations, if any, as may be specified by the Board, such of its powers and functions under this Act as it may deem necessary for the efficient discharge of its functions.

(2) The Board may, if it considers it necessary so to do in the public interest, delegate any of its powers and functions, subject to such conditions and limitations, if any, as may be specified by it, to a co-operative federation at the national or State level, or to any organisation owned, managed, controlled or assisted by the National Dairy Development Board.

15. Delegation of powers to whole-time directors, etc.—The Board may, from time to time, by order, delegate, subject to such general and special conditions as it may deem fit to impose, the powers of appointment, termination, suspension and dismissal from service of any employee of the National Dairy Development Board,—

(*a*) who is drawing a salary in such higher grade as may be prescribed, to a whole-time director, and

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(*b*) who is drawing a salary in any grade, other than a higher grade prescribed under clause (*a*), to such officer of the National Dairy Development Board as it may deem fit:

Provided that in relation to employees falling under clause (*b*), the Chairman may, if he considers it necessary or expedient so to do, perform the functions of the Board under this section.

CHAPTER IV

Powers and functions of the National Dairy Development Board

16. Powers and functions of National Dairy Development Board.—(1) Subject to the provisions of this Act,—

(*a*) it shall be the duty and function of the National Dairy Development Board to promote plan and organise programmes for the purposes of development of dairy and other agriculture based and allied industries and biologicals on an intensive and nation-wide basis and to render assistance in the implementation of such programmes;

(*b*) it shall be the responsibility of the National Dairy Development Board to adopt the co-operative strategy in a more effective manner on an intensive and nation-wide basis and to take such steps as may be necessary for the purposes aforesaid; and

(*c*) the National Dairy Development Board may take such measures for carrying out the said purposes, and for the exercise of its powers and the performance of its functions and responsibilities under this Act, as it may consider necessary.

(2) In particular, and without prejudice to the generality of the foregoing provisions, the measures referred to therein may provide for—

(*a*) facilitating research and promotional activities in the fields of dairying, immunology, animal husbandry, agriculture and horticulture;

(*b*) imparting technological know-how to such organisations in the co-operative or public sector as are engaged in the production, procurement, preservation or marketing of milk and milk products:

(*c*) facilitating the training of personnel for absorbing and utilising the technical know-how that may be imparted;

(*d*) designing, planning, promoting, developing, constructing, sponsoring and setting up of dairy industries and undertaking any other related promotional activity including the financing of the same;

(*e*) providing consultancy and managerial services and the execution of any project on a turn-key basis or otherwise, furnishing integral services such as storage, transportation, processing, distribution of milk and milk products and to serve as a lead institution with reference to milk and milk products;

(*f*) adopting such measures as may be practicable—

(*i*) for the conservation of milk and milk products by avoidance of waste at all stages or otherwise;

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(*ii*) to assist primary producers of milk and milk products and persons in the co-operative and public sector to get incentive prices ; and

(*iii*) to build up a national milk grid ;

(*g*) recommending to Government, as and when necessary, the maximum and minimum prices to be fixed for the purchase or sale of milk and, if so required, assist in the enforcement of it ;

(*h*) functioning as a channelising agency in respect of import and export of milk and milk products and of milch animals or bulls ;

(*i*) providing financial, technical, administrative, managerial or other assistance or taking such measures as may be necessary—

(*A*) for the development (if required by the import of quality semen) and preservation of high yielding cattle ;

(*B*) for adopting improved methods of cattle breeding ;

(*C*) for increasing production and supply of better and improved animal feed including fodder ; and

(*D*) generally for the enhancement of the cattle wealth of the country ;

(*j*) processing, promoting or financing technological, industrial or economic research in milk and milk products in such manner as the Board may deem fit by the utilisation of available institutions or otherwise ;

(*k*) financing, in such manner as the Board may deem appropriate (including contribution to capital), of co-operative federations, co-operative unions or co-operative enterprises or of any scheme in the co-operative or public sector intended to stimulate the production, preservation, distribution and consumption of milk and milk products nation-wide ;

(*l*) regulating the dairy and allied industries and functioning as regulatory authority therefor, as may be required by the Central Government ;

(*m*) adopting measures for the development and co-ordination of organisations in the production of milk and milk products so as to enable the primary producers thereof to become participants in, and beneficiaries of, the development and growth of dairy and allied industries ;

(*n*) collecting and compiling relevant data and statistics necessary for the efficient management of the national milk grid and national milch herd and on any other matter relating to dairying and allied industries ;

(*o*) promoting publicity on the research and development of dairy and allied industries ;

(*p*) promoting and developing production, grading and marketing of milk and milk products in various parts of the country ;

(*q*) co-operating with international organisations and foreign experts and for functioning as the agent of the Central Government for

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the reception, utilisation and disbursement of any gift of milk and milk products and any other foodstuffs;

(*r*) building up of a reserve of buffer stock of basic commodities;

(*s*) promoting the export of milk and milk products where, in the opinion of the Board, it is so required to avoid waste or to otherwise serve the public interest and generally for exporting any article produced, processed or promoted by it;

(*t*) acquiring, holding and disposing of any property for the purposes of its business;

(*u*) transferring the whole or any part of its managerial, technical or other functions in relation to any organisations receiving assistance from the National Dairy Development Board to the recipient organisation;

(*v*) advancing or lending money upon security of movable or immovable property or otherwise;

(*w*) borrowing money in such manner and upon such security as the Board may deem fit;

(*x*) carrying on, either by itself or through any other organisations, any other business or class of business, in a case where such business or class of business was being carried on by the society or the dissolved company immediately before the appointed day;

(*y*) promoting and encouraging co-operative effort among those engaged in the production of milk and milk products and other foodstuffs;

(*z*) levying fees or other charges for any assistance given or services rendered by the National Dairy Development Board;

(*za*) carrying on any other business or doing any other act or thing as may be necessary, incidental or conducive to further the objectives of the National Dairy Development Board under this Act.

(3) If, immediately before the appointed day, either the society or the dissolved company was engaged in the production, research and development, processing, marketing, import, export, or other activities, or had been rendering any service or assistance, in relation to any article or product, other than milk and milk products or the dairy industry, then notwithstanding anything contained in this Act or in any other law, the National Dairy Development Board may engage in the production, research and development, processing, marketing, import, export or other activities, or render such other services or assistance in relation to the said article or product as may be required, and the provisions of sub-sections (1) and (2) shall, so far as may be, apply in relation to that article or product, as if any reference therein to milk and milk products or to dairy and allied industries had been a reference to that article or product or service or activity.

(4) Where the Central Government or the Government of any State considers that, having regard to the special expertise of the National Dairy Development Board and the needs of the public, it is necessary or advisable

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to entrust the National Dairy Development Board with any activity, other than that to which the foregoing sub-sections apply, it may, entrust such activity to the National Dairy Development Board, whereupon it shall be competent for the National Dairy Development Board to carry on such activity.

(5) Without prejudice to the generality of the foregoing powers, it shall be competent for the National Dairy Development Board to participate, with the prior approval of the Central Government, in any other organisation, financially, managerially or in any other manner.

CHAPTER V

Provisions relating to directors and employees of the National Dairy Development Board

17. Provisions regarding members of board of society and directors of dissolved company.—Every person holding office as a member of the board of the society, or as a director of the dissolved company, immediately before the appointed day, shall, on and from that day, cease to hold office as such member or director.

18. Provisions relating to officers and other employees of society and of dissolved company.—Subject to provisions of Section 19, every full-time officer or other employee, holding office immediately before the appointed day, in the society or the dissolved company, shall, on and from the appointed day, become an officer or other employee, as the case may be, of the National Dairy Development Board and shall hold office or service in the National Dairy Development Board on the same terms and conditions of service as he would have had under the society or the dissolved company, as the case may be, and shall continue to do so unless and until his terms and conditions of service are duly altered by the Board.

19. Power of Board to restructure and streamline organisational and functional set-up of National Dairy Development Board to secure utmost efficiency in functioning.—(1) Notwithstanding anything contained in this Chapter, the National Dairy Development Board may make such orders or take such action as may be necessary for restructuring and streamlining the organisational and functional set-up of the National Dairy Development Board to secure utmost efficiency in its functioning, and the Board shall, for achieving this object, be competent to declare any officer or other employee or any class of officers or other employees to be redundant if it finds them redundant by way of being surplus or otherwise due to duplication of posts of the same nature, or absence of the special expertise required for the post in the revised set-up, or the non-availability of posts in a particular office or unit of the National Dairy Development Board and it is not practicable to accommodate him in the type of post in the particular grade.

(2) Nothing in this Chapter shall preclude the Board, if it is considered necessary for the purpose of rationalising the conditions of service of the officers and other employees so transferred to it, to change their designation, conditions of service or the scales of pay applicable to them or to reallocate their duties and functions.

20. Schemes regarding compensation to redundant employees etc.—(1) The officers or other employees declared as redundant in pursuance

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of Section 19, shall be dealt with in accordance with such scheme or schemes as the Board may, with the previous approval of the Central Government, make in this behalf and different schemes may be made in relation to different classes or categories of officers and other employees.

(2) The scheme or schemes referred to in sub-section (1) may provide for—

(*a*) the quantum of compensation payable to any officer or other employee referred to in sub-section (1) and the mode of payment thereof:

Provided that the compensation so payable shall in no case be less than that payable to him under the service conditions applicable to him if his services were dispensed with;

(*b*) the quantum of arrears of salary or other emoluments, provident fund, gratuity or any other amount that may be payable in accordance with the service conditions applicable to them;

(*c*) the provision for appeal for the aggrieved redundant officers and other employees and for the appellate authority, being an officer not below the rank of a Joint Secretary to the Government of India in the Ministry dealing with Agriculture;

(*d*) any other matter pertaining to the termination of service consequent on their being declared redundant.

21. Compensation for transfer of employees not payable.—The transfer of the services of any officer or other employee of the society or of the dissolved company to the National Dairy Development Board shall not entitle any such officer or other employee to any compensation under the Industrial Disputes Act, 1947 (14 of 1947), or any other law for the time being in force, and no such claim shall be entertained by any court, tribunal or other authority.

22. Provident fund, gratuity, welfare and other funds.— (1) Where a provident fund has been established by the society or the dissolved company in respect of either of them for the benefit of the officers or other employees and the same stands vested in a trust, the moneys and other assets standing to the credit of each provident fund shall continue to be held in trust with the same objects as were applicable before the appointed day and the trustees of such trusts immediately before the appointed day shall, subject to the provisions of the trust deeds and the rules relating to the respective trusts, continue to function as trustees in respect of the respective provident fund until and unless otherwise directed by the National Dairy Development Board, and the rights relating to the said trusts shall, as from the appointed day, vest in the National Dairy Development Board.

(2) Where any gratuity, welfare or other fund had been established by the society or the dissolved company for the benefit of its officers or other employees and is in existence immediately before the appointed day, all moneys and other assets standing to the credit of or relatable to such gratuity, welfare or other fund shall vest in the National Dairy Development Board..

(3) Notwithstanding anything contained in sub-sections (1) and (2), the

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Board may give such directions relating to the trusts or funds or take such other action as it may deem fit so as to bring about uniformity or to effect integration in part or in whole in such trusts or funds.

(4) The Board may, having regard to the welfare of the officers and other employees or their families, take such steps for the advancement of their health, education or other interests as may be prescribed and create such institutions as may be required for the purpose.

(5) Nothing in the foregoing provisions of this section shall derogate the power of the Board to make regulations for establishing or maintaining any provident fund, welfare fund, gratuity fund or other fund for any of its officers or other employees.

CHAPTER VI

Finance, accounts and audit

23. Borrowing powers of Board.—The Board may, with the previous approval of the Central Government or in accordance with the terms of any general or special authority given to it by the Central Government, borrow money from any source as it may deem fit for discharging all or any of its functions under this Act.

24. Grants and loans by Central Government.—The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the National Dairy Development Board by way of grants or loans such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.

25. Grants, donations, etc.—(1) The National Dairy Development Board may receive gifts, grants, donations or benefactions from Government or any other source in or outside India and the same shall be used by the Board for exercising its functions and discharging its responsibilities under this Act.

(2) The National Dairy Development Board shall not receive any gifts, grants, donations or benefactions from a foreign government or any other source outside India except with the previous approval of the Central Government.

26. National Dairy Development Board Fund.—(1) The National Dairy Development Board shall maintain a Fund to be called the National Dairy Development Board Fund to which shall be credited—

(*a*) all sums of money vested in the National Dairy Development Board under Chapter II ;

(*b*) all sums of money that may be provided by Government ;

(*c*) all fees and other charges received by the National Dairy Development Board ;

(*d*) all sums of money generated from gift commodities by the National Dairy Development Board or received by it by way of grants, donations, benefactions, bequests or transfers ; and

(*e*) all sums of money received by the National Dairy Development Board in any other manner or from any other source.

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(2) All sums of money credited to the said Fund shall, subject to the regulations, if any, made in this behalf, be deposited with the State Bank of India or any other nationalised bank.

Explanation.—In this sub-section "nationalised bank" means a corresponding new bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970), and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980).

(3) The said Fund shall be applied towards meeting the administrative and other expenses of the National Dairy Development Board, including expenses incurred in the exercise of the powers and the discharge of its functions and responsibilities under Section 16 or in relation to any of the activities referred to therein or for anything relatable thereto.

27. **Preparation of accounts and balance-sheet.**—(1) The balance-sheet and accounts of the National Dairy Development Board shall be prepared in such form and in such manner as may be prescibed.

(2) The Board shall cause the books and accounts of the National Dairy Development Board to be closed and balanced as on the 31st day of March each year or such other date as the Board may, with the concurrence of the Central Government, decide.

28. **Audit.**—(1) The accounts of the National Dairy Development Board shall be audited by auditors duly qualified to act as auditors of companies under the Companies Act, and the appointment of auditors and remuneration payable to them shall be subject to the approval of the Central Government.

(2) Every auditor in the performance of his duties shall have at all reasonable times access to books, accounts and other documents of the National Dairy Development Board.

(3) The auditors shall submit their report to the Board which shall forward a copy of their report to the Central Government.

29. **Reports to be laid before Parliament.**—The Central Government shall cause the report of the auditors under Section 28 to be laid before both the Houses of Parliament as soon as may be after such report is received by the Central Government.

30. **Power to call for repayment before agreed period.**—Notwithstanding anything contained in any agreement to the contrary, the Board may, by notice in writing, require any person to which the National Dairy Development Board or the society or the dissolved company has granted any loan or advance, to discharge forthwith in full, its liabilities to the Board,—

(*a*) if it appears to the Board that any false or misleading information in any material particular was given in the application for the loan or advance; or

(*b*) if the person has failed to comply with the terms of its contract in the matter of the loan or advance; or

(*c*) if there is a reasonable apprehension that the person is unable to pay his debts or that proceedings for liquidation may be commenced in respect thereof; or

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(*d*) if the property pledged, mortgaged, hypothecated or assigned as security for the loan or advance is not insured and kept insured by the person to the satisfaction of the Board (or depreciates in value to such an extent that, in the opinion of the Board, further security to the satisfaction of the Board should be given and such security is not given after demand) ; or

(*e*) if, without due permission, any machinery, plant or other equipment (whether forming part of security or not) is removed from the concerned premises without being replaced ; or

(*f*) if it appears to the Board that any condition in the loan agreement relating to the supply of goods or implementation of the project is being substantially violated ; or

(*g*) if, for any other reason, the Board considers it necessary so to do for protecting the interests of the National Dairy Development Board.

31. **Special provisions for enforcement of claims by National Dairy Development Board.**—(1) Where any person, in breach of any agreement, makes any default in the repayment of any loan or advance or any instalment thereof (or in meeting its obligations in relation to the guarantee given by the National Dairy Development Board) or otherwise fails to comply with the terms of agreement with the Board or where the Board requires any person to make immediate repayment of any loan or advance under Section 30 and the person fails to make such repayment, then, without prejudice to the provisions of Section 69 of the Transfer of Property Act, 1882 (4 of 1882), any officer of the National Dairy Development Board, generally or specially authorised by the Board in this behalf, may apply to the court for one or more of the following reliefs, namely :—

(*a*) for an order for the sale of the property pledged, mortgaged, hypothecated or assigned to the National Dairy Development Board as security for the loan or advance ; or

(*b*) for transferring the management of any organisation to the National Dairy Development Board ; or

(*c*) for an *ad interim* injunction where there is apprehension that the machinery or other equipment is being removed from the premises of the organisation without due permission.

(2) The procedure for making an application under sub-section (1) and for the disposal thereof shall be such as may be prescribed.

Chapter VII

Miscellaneous

32. **Defects in appointments not to invalidate acts, etc., of Board.**—No act or proceeding of the Board or of any committee of the National Dairy Development Board shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Board or the committee, as the case may be.

33. **Protection of acts done in good faith.**—No suit or other legal proceeding shall lie against the National Dairy Development Board or any director or any officer or other employee of the Board or any other person

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authorised by the Board to discharge any functions under this Act, for any loss or damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or of any other law or provision having the force of law.

NOTES

Good faith defined.—The words "good faith" are not defined in the Act. They are, however, defined in other Acts.

Nothing is said to be done or believed in good faith which is done or believed without due care and attention—Section 52 of the IPC.

A thing shall be deemed to be done in good faith where it is done honestly, whether it is done negligently or not—Section 3 (22) of the General Clauses Act, 1897.

Nothing shall be deemed to be done in good faith which is not done with due care and attention—Section 2 (7) of the Indian Limitation Act, 1908.

Good faith in criminal law is different from good faith as understood in civil law. If an act is not done with due care and attention, it cannot so far as criminal law is concerned be said to be done in good faith—*Pagla Baba* v. *State*, AIR 1957 Ori 130 : 1957 Cri LJ 769.

Nothing can be said to have been done in good faith when it is done without due care and caution—*Public Prosecutor* v. *Rajammal*, 12 Cri LJ 566 : 12 IC 654.

34. Indemnity of directors.—Every director shall be indemnified by the National Dairy Development Board against all losses and expenses incurred by him, in, or in relation to, the discharge of his duties, except such as are caused by his own wilful act or default.

35. Obligation as to fidelity and secrecy.—(1) The Board shall not, except as otherwise required by this Act or any other law, divulge any information relating to, or to the affairs of, the National Dairy Development Board or of the society or of the dissolved company except in circumstances in which it is in accordance with the law or practice and usage customary among financial institutions, necessary or appropriate for the Board to divulge such information.

(2) Every director, member of a committee, auditor or officer or other employee of the National Dairy Development Board shall, before entering upon his duties, make a declaration of fidelity and secrecy in the form set out in the Schedule.

36. Recruitment of additional officers and other employees.—Nothing contained in Chapter V shall be deemed to prejudice the right of the National Dairy Development Board to create such number of additional posts or to appoint such number of additional officers or other employees as it may consider necessary or desirable for the efficient discharge of the functions of the National Dairy Development Board and where any such officer or other employee is appointed, the terms and conditions of service, including *inter se* seniority, may also be determined by the Board.

37. Liquidation only under orders of Central Government.—No provision of any law relating to the winding up of companies or corporations shall apply to the National Dairy Development Board and it shall not be placed in liquidation save by an order of the Central Government and in such manner as it may direct.

38. Delegation of certain powers by Central Government.—(1) The Central Government may, on the recommendation of the National Dairy Development Board, if satisfied that it is necessary so to do in the

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public interest, make any scheme for the purpose of enabling the National Dairy Development Board to undertake and perform any of the activities or functions of the Central Government relatable to dairy, foodstuffs and connected industries, particularly with reference to matters related to the development of the national milk grid by the regulation of the production, procurement, marketing, export-import, maintenance of standards or such like activities (including the collection and compilation of statistics and relevant data).

(2) Every scheme made under sub-section (1) shall be published in the Official Gazette and may contain such conditions, restrictions or limitations as the Central Government may deem fit to impose.

39. Transitional provisions for auditiors.—Any auditor appointed in relation to the society or the dissolved company, functioning immediately before the appointed day, may, notwithstanding anything contained in this Act, be continued by the National Dairy Development Board for such period and on such terms as may be considered necessary.

40. Transitional provisions with regard to Chairman and Board.—The Chairman of the society, holding office immediately before the appointed day, shall be the Chairman of the National Dairy Development Board until a Chairman is nominated in accordance with the provisions of this Act and he shall be competent to perform the functions of the Board until the constitution of the Board under this Act.

41. Management or assistance to others to continue.—For the removal of doubts, it is hereby declared that where, before the appointed day, either the society or the dissolved company was managing any other organisation or rendering any technical or other assistance to any organisation or person, the National Dairy Development Board may continue to render the same or similar service to such extent, for such period and with such modifications as the Board may deem fit.

42. Mother Dairy to be a subsidiary unit of National Dairy Development Board.—The undertaking known as the Mother Dairy, Delhi, shall, on and from the appointed day, become a subsidiary unit of the National Dairy Development Board but shall retain its separate character, unless otherwise decided by the Board.

43. Formation of companies with previous approval of Central Government.—(1) Where the Board considers it necessary so to do, for the implementation of any of its objectives, it may, subject to the previous approval of the Central Government, form one or more companies either by itself or in conjunction with any of its subsidiaries or with any other undertaking.

(2) Where any company has been formed in pursuance of sub-section (1),—

(*a*) in the case of a company formed by the Board by itself or along with its subsidiaries, it may contribute such capital, transfer such of its assets or render such assistance, as may be required, so as to enable the company so formed to function; and

(*b*) in any other case, it may contribute capital, transfer assets or render assistance in such manner and to such extent as the Board

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may deem fit subject to specific previous approval of the Central Government in that regard.

44. Exemption from tax on income.—Notwithstanding anything contained in the Income-tax Act, 1961 (43 of 1961), or any other enactment for the time being in force relating to tax on income, profits or gains, the National Dairy Development Board shall not be liable to pay income-tax or any other tax in respect of its income, profits or gains derived.

45. Returns.—The National Dairy Development Board shall furnish, from time to time, to the Central Government such returns as the Central Government may require.

46. Power to make schemes and regulations regarding service matters retrospectively.—Any scheme or regulation made under this Act in relation to conditions of service or like matters of officers or other employees of the National Dairy Development Board, may be made retrospectively from any date not earlier than the appointed day.

47. Act to have overriding effect.—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Companies Act, the Industrial Disputes Act, 1947 (14 of 1947), or any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act, or in any decree or order of any court, tribunal or other authority.

48. Power to make regulations.—(1) The Board may, by notification in the Gazette of India, make regulations not inconsistent with the provisions of this Act and the schemes made thereunder, to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely :—

(*a*) the procedure to be followed for the transaction of business at the meetings of the Board and the number of members which shall form quorum at a meeting under sub-section (1) of Section 10 ;

(*b*) the allowances to be paid to the members of any management committee, other than the Chairman and whole-time directors, for attending the meetings of the management committee or for attending to any other work of the National Dairy Development Board under sub-section (1) of Section 13 and the other matters pertaining to the conduct of proceedings of the management committees under sub-section (2) of that section ;

(*c*) the higher grade for the purposes of clause (*a*) of Section 15 ;

(*d*) the particulars of the steps for the advancement of the health, education or other interests of the officers and other employees or their families as referred to in sub-section (4) of Section 22 ;

(*e*) the matters of detail regarding establishment or maintenance of funds referred to in sub-section (5) of Section 22 ;

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(*f*) the conditions subject to which sums of money are to be deposited under sub-section (2) of Section 26 ;

(*g*) the form and manner in which the balance-sheet and accounts of the National Dairy Development Board shall be prepared under sub-section (1) of Section 27 ;

(*h*) the procedure for making an application under sub-section (1) of Section 31 and for the disposal thereof under sub-section (2) of that section ;

(*i*) conditions of service of officers and other employees ;

(*j*) any other matter which is to be, or may be, prescribed.

49. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty :

Provided that no such order shall be made after the expiry of five years from the appointed day.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

50. Schemes and regulations to be laid before Parliament.—Every scheme and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the scheme or regulation or both Houses agree that the scheme or regulation should not be made, the scheme or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that scheme or regulation.

THE SCHEDULE

[*See* Section 35(2)]

Declaration of fidelity and secrecy

I, ..., do hereby declare that I will faithfully, truly, and to the best of my skill and ability execute and perform the duties required of me as Chairman, director, member of committee, auditor, officer or other employee (as the case may be) of the National Dairy Development Board and which properly relate to the office or position held by me in or in relation to the National Dairy Development Board.

I further declare that I will not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the affairs of any person having any dealing with the National Dairy Development Board nor will I allow any such person to inspect or have access to any books or documents belonging to or in the possession of the National Dairy Development Board and relating to the business of the National Dairy Development Board or the business of any person having any dealing with the National Dairy Development Board.

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THE REPRESENTATION OF THE PEOPLE (AMENDMENT) ORDINANCE, 1987[1]

[No. 7 OF 1987]

(*Promulgated by the President in the Thirty-eighth Year of the Republic of India*)

An Ordinance further to amend the Representation of the People Act, 1950

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. **Short title and commencement.**—(1) This Ordinance may be called the Representation of the People (Amendment) Ordinance, 1987.

(2) It shall come into force at once.

2. **Amendment of Act 43 of 1950.**—In Section 7 of the Representation of the People Act, 1950,—

(*i*) in sub-section (1), for the word, brackets, figure and letter "sub-section (1-A)", the words, brackets, figures and letters "sub-sections (1-A) and (1-B)", shall be *substituted*;

(*ii*) after sub-section (1-A), the following sub-section shall be *inserted*, namely:—

"(1-B) Notwithstanding anything contained in sub-section (1), in the Legislative Assemblies of the State of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland, to be constituted at any time after the commencement of the Representation of the People (Amendment) Ordinance, 1987,—

(*a*) thirty-nine seats shall be reserved for the Scheduled Tribes in the Legislative Assembly of the State of Arunachal Pradesh;

(*b*) fifty-five seats shall be reserved for the Scheduled Tribes in the Legislative Assembly of the State of Meghalaya;

(*c*) thirty-nine seats shall be reserved for the Scheduled Tribes in the Legislative Assembly of the State of Mizoram; and

(*d*) fifty-nine seats shall be reserved for the Scheduled Tribes in the Legislative Assembly of the State of Nagaland.".

NOTES

The power under Article 123 relates to policy and to an emergency when immediate action is considered necessary and if an objective test is applied, the satisfaction of the President contemplated in Article 123 will be shorn of the power of the President himself and as the President will be acting on the advice of the Ministers, it may lead to disclosure of facts which under Article 75(4) are not to be disclosed. For these reasons, it must be held that the satisfaction of the President is subjective. *R.C. Cooper* v. *Union of India*, (1970) 1 SCC 248 : AIR 1970 SC 564.

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1. Promulgated by the President on September 22, 1987 and published in the Gazette of India, Extra., Part II, Section 1, dated 22nd September, 1987, pp. 1-2 [W]

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THE NAVY (AMENDMENT) ACT, 1987[1]

[No. 34 OF 1987]

[*9th September, 1987*]

An Act further to amend the Navy Act, 1957

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows :—

1. **Short title.**—This Act may be called the Navy (Amendment) Act, 1987.

2. **Amendment of Section 11.**—In Section 11 of the Navy Act, 1957 (62 of 1957), in sub-section (2), for the words "fifteen years", at both the places where they occur, the words "twenty years" shall be *substituted*.

THE REPRESENTATION OF THE PEOPLE (SECOND AMENDMENT) ACT, 1987[2]

[No. 38 OF 1987]

[*15th September, 1987*]

An Act further to amend the Representation of the People Act, 1950

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Representation of the People (Second Amendment) Act, 1987.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. **Amendment of Act 43 of 1950.**—In the Representation of the People Act, 1950, after Section 9 and before the sub-heading "*The State Legislative Councils*", the following section shall be *inserted*, namely :—

'*9-A. Power of Election Commission to determine the constituencies to be reserved for Scheduled Tribes in certain States.*—(1) As soon as may be after the coming into force of the Representation of the People (Second Amendment) Act, 1987, the Election Commission shall, having regard to the provisions of the Constitution and the principle specified in clause (*d*) of sub-section (1) of Section 9 of the Delimitation Act, 1972 (76 of 1972), determine the assembly constituencies in the States of Meghalaya, Mizoram and Nagaland in which seats shall be reserved for the Scheduled Tribes.

(2) The Election Commission shall,—

(*a*) publish its proposals under sub-section (1) with respect to any State in the Official Gazette and also in such other manner as it thinks fit;

1. Received the assent of the President on September 9, 1987 and published in the Gazette of India, Extra., Part II, Section 1, dated 9th September, 1987 [W]
2. Received the assent of the President on September 15, 1987 and published in the Gazette of India, Extra., Part II, Section 1, dated 15th September, 1987 pp. 1-2 [W]

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(*b*) specify a date on or after which the proposals will be further considered by it;

(*c*) consider all objections and suggestions which may have been received by it before the date so specified;

(*d*) hold, for the purpose of such consideration, if it thinks fit so to do, one or more public sittings at such place or places in such State as it thinks fit;

(*e*) after considering all objections and suggestions which may have been received by it before the date so specified, determine, by order, the assembly constituency or constituencies in the State in which seats shall be reserved for the Scheduled Tribes and cause such order to be published in the Official Gazette; and, upon such publication, the order shall have the full force of law and shall not be called in question in any court and the Delimitation of Parliamentary and Assembly Constituencies Order, 1976, or, as the case may be, the Mizoram (Delimitation of Assembly Constituencies) Order, 1986 shall be deemed to have been amended accordingly.

(3) Every order made under sub-section (2) shall, as soon as may be after it is published under that sub-section, be laid before the Legislative Assembly of the State concerned.

Explanation.—For the purposes of this section, "assembly constituency" means,—

(*a*) in relation to the States of Meghalaya and Nagaland, the assembly constituencies in those States as specified in the Delimitation of Parliamentary and Assembly Constituencies Order, 1976; and

(*b*) in relation to the State of Mizoram, the assembly constituencies as specified in the Mizoram (Delimitation of Assembly Constituencies) Order, 1986.'.

NOTES

Representation of the People Act, 1951—Object and scope of.—The Representation of the People Act, 1951, which was passed by Parliament under Article 327 of the Constitution, makes detailed provisions in regard to all matters and all stages connected with elections to the various Legislatures in this country.

Obviously, the Act is a self-contained enactment so far as elections are concerned, which means that whenever one has to ascretain the true position in regard to any matter connected with elections, one has only to look at the Act and the rules made thereunder. *N.P. Ponnuswami* v. *Returning Officer*, 1952 SCR 218, 230: AIR 1952 SC 64: 1 ELR 133, 143, 144.

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THE REPRESENTATION OF THE PEOPLE (THIRD AMENDMENT) ACT, 1987[1]

[No. 40 OF 1987]

[*27th November, 1987*]

CONTENTS

Sections

1. Short title and commencement.
2. Amendment of Section 7.
3. Repeal and saving.

An Act further to amend the Representation of the People Act, 1950

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Representation of the People (Third Amendment) Act, 1987.

(2) It shall be deemed to have come into force on the 22nd day of September, 1987.

2. Amendment of Section 7.—In Section 7 of the Representation of the People Act, 1950 (43 of 1950) (hereinafter referred to as the principal Act),—

(*i*) in sub-section (1), for the word, brackets, figure and letter "sub-section (1-A)", the words, brackets, figures and letters "sub-sections (1-A) and (1-B)" shall be *substituted*;

(*ii*) after sub-section (1-A), the following sub-section shall be *inserted*, namely :—

"(1-B) Notwithstanding anything contained in sub-section (1), in the Legislative Assemblies of the States of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland, to be constituted at any time after the commencement of the Representation of the People (Third Amendment) Act, 1987,—

(*a*) thirty-nine seats shall be reserved for the Scheduled Tribes in the Legislative Assembly of the State of Arunachal Pradesh;

(*b*) fifty-five seats shall be reserved for the Scheduled Tribes in the Legislative Assembly of the State of Meghalaya;

(*c*) thirty-nine seats shall be reserved for the Scheduled Tribes in the Legislative Assembly of the State of Mizoram; and

(*d*) fifty-nine seats shall be reserved for the Scheduled Tribes in the Legislative Assembly of the State of Nagaland.".

NOTES

Scheduled Caste — Constitutional provision.—Article 341 of the Constitution provides :

(1) The President may with respect to any State or Union territory and where it is a State after consultation, with the Governor thereof, by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State or Union territory, as the case may be.

1. Received the assent of the President on November 27, 1987 and published in the Gazette of India, Extra., Part II, Section 1, dated 27th November, 1987, pp. 1-2 [C]

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(2) Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.

3. Repeal and saving.—(1) The Representation of the People (Amendment) Ordinance, 1987 (Ord. 7 of 1987), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

THE SHIPPING DEVELOPMENT FUND COMMITTEE (ABOLITION) AMENDMENT ACT, 1987[1]

[No. 41 OF 1987]

[*2nd December, 1987*]

An Act to amend the Shipping Development Fund Committee (Abolition) Act, 1986

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows :—

Prefatory Note—Statement of Objects and Reasons.—The Shipping Development Fund Committee (Abolition) Act, 1986, which came into force on the 3rd April, 1987, provided for the abolition of the Shipping Development Fund Committee. Under Section 4 of the Act, on the abolition of the Committee, all the rights, privileges, properties, borrowings, liabilities, obligations and contracts of the Committee have devolved on the Central Government.

2. Under Section 16 of the Act, the Central Government has been empowered to delegate all or any of its powers and functions under Chapter III of the Act to a 'designated person'. It is considered necessary to delegate the powers and functions of the Government under the other provisions of the Act also to a 'designated person' subject to such conditions, restrictions and limitations, as may be notified by the Central Government.

3. The Bill seeks to amend the Act to achieve the above object.

1. Short title.—This Act may be called the Shipping Development Fund Committee (Abolition) Amendment Act, 1987.

2. Amendment of Act 66 of 1986.—In Section 16 of the Shipping Development Fund Committee (Abolition) Act, 1986, in sub-section (1), for the words "this Chapter", the words "this Act" shall be *substituted*.

NOTES

Section 16 deals with delegation of powers to the designated person.

Where the authority delegates only a ministerial function, there is no delegation involved. *State* v. *Shiv Balak*, (1965) 1 SCR 211 : AIR 1965 SC 661 : 67 Bom LR 438 : (1965) Mah LJ 675 ; also see *Union of India* v. *P.K. Roy*, (1968) 2 SCR 186 : AIR 1968 SC 850.

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1. Received the assent of the President on December 2, 1987 and published in the Gazette of India, Extra., Part II, Section 1, dated 3rd December, 1987 [C]

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THE METRO RAILWAYS (CONSTRUCTION OF WORKS) AMENDMENT ACT, 1987[1]

[No. 42 OF 1987]

[*9th December, 1987*]

An Act further to amend the Metro Railways (Construction of Works) Act, 1978

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows :—

1. **Short title.**—This Act may be called the Metro Railways (Construction of Works) Amendment Act, 1987.

2. **Amendment of Section 10.**—In Section 10 of the Metro Railways (Construction of Works) Act, 1978 (33 of 1978), to sub-section (3), the following proviso shall be *added*, namely :—

"Provided that in computing the said period of one year, the period or periods during which any action or proceeding to be taken in pursuance of the notification issued under sub-section (1) of Section 7 [including any such action or proceeding pending immediately before the commencement of the Metro Railways (Construction of Works) Amendment Act, 1987] is stayed by an order of a Court, whether granted before or after such commencement, shall be excluded.".

NOTES

Commencement.—Commencement used with reference to an Act or Regulation, shall mean the day on which the Act or Regulation comes into force — *See* General Clauses Act, 1897, S. 3.

THE CONSTITUTION (SCHEDULED TRIBES) ORDER (AMENDMENT) ACT, 1987[2]

[No. 43 OF 1987]

[*9th December, 1987*]

CONTENTS

Sections		*Sections*	
1.	Short title and commencement.		Order, 1950.
2.	Amendment of the Scheduled Tribes	3.	Repeal and saving.

An Act to provide for the inclusion of certain tribes in the list of Scheduled Tribes specified in relation to the State of Meghalaya

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows :—

Prefatory Note—Statement of Objects and Reasons.—The tribal communities of Boro Kacharis, Koch and Raba or Rava, in the State of Meghalaya, were not included in the Schedule to the Constitution (Scheduled Tribes) Order, 1950 and accordingly these

1. Received the assent of the President on December 9, 1987 and published in the Gazette of India, Extra., Part II, Section 1, dated 10th December, 1987, pp. 1-2 [C]
2. Received the assent of the President on December 9, 1987 and published in the Gazette of India, Extra., Part II, Section 1, dated 10th December, 1987, pp. 1-2 [C]

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tribal communities did not derive the benefits of the various safeguards provided for them in the Constitution, including the reservation of seats for them in the Legislative Assembly of the State.

2. The State Government of Meghalaya had recommended the inclusion of these communities in the list of Scheduled Tribes for the State. In order to enable the Election Commission to take preparatory action for the determination of the number of seats to be reserved for Scheduled Tribes for the conduct of elections to the State Legislative Assembly to be held early next year, the President promulgated the Constitution (Scheduled Tribes) Order (Amendment) Ordinance 1987 on the 19th September, 1987, for the inclusion of the above tribal communities in the list of Scheduled Tribes of that State.

3. The Bill seeks to replace the aforesaid Ordinance.

1. Short title and commencement.—(1) This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 1987.

(2) It shall be deemed to have come into force on the 19th day of September, 1987.

2. Amendment of the Scheduled Tribes Order, 1950.—In the Schedule to the Constitution (Scheduled Tribes) Order, 1950 (hereinafter referred to as the principal Order), in "Part XI.—Meghalaya", after Item 14, the following items shall be *inserted*, namely :—

"15. Boro Kacharis

16. Koch

17. Raba, Rava.".

3. Repeal and saving.—(1) The Constitution (Scheduled Tribes) Order (Amendment) Ordinance, 1987 (5 of 1987), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Order, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Order, as amended by this Act.

NOTES

In order to determine whether or not a particular caste is a scheduled caste within the meaning of Art. 341, one has to look only at the public notification issued by the President in that behalf. It is not open to the court to scrutinize by evidence whether a person who is described as of one caste also falls within a specified caste.

It is not open to any one to seek for any modification in the order by producing evidence that the caste mentioned in the order included other castes also, for the purpose of making a declaration under S. 33(2) of the Representation of People Act. *Parsram* v. *Shivchand*, (1969) 1 SCC 20.

THE AUROVILLE (EMERGENCY PROVISIONS) AMENDMENT ACT, 1987[1]

[No. 44 OF 1987]

[*14th December, 1987*]

CONTENTS

Sections

1. Short title and commencement.
2. Amendment of Section 3.
3. Repeal and saving.

1. Received the assent of the President on December 11, 1987 and published in the Gazette of India, Extra., Part II, Section 1, dated 14th December, 1987, pp. 1-2 [C]

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An Act further to amend the Auroville (Emergency Provisions) Act, 1980

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows :—

Prefatory Note—Statement of Objects and Reasons.—Under the provisions of the Auroville (Emergency Provisions) Act, 1980, the management of Auroville vested in the Central Government in 1980 for a maximum period of five years. However, the vires of the Act had been challenged in the Calcutta High Court and later in the Supreme Court. Though the management vested in the Central Government in 1980, till the Supreme Court upheld the validity of the Act in November, 1982, the Act could not be brought in operation in full. In order that the progress registered between 1982 and 1985 could be further consolidated and since earnest efforts were being made to place the management on a sound footing, the Act was amended in August, 1985 so as to extend the period of the Act for a further period of two years beyond 9th November, 1985.

2. After urgent administrative aspects were attended to, the Auroville International Advisory Council constituted by the Central Government under Section 6 of the Auroville (Emergency Provisions) Act, 1980, had its Sixth Meeting at Auroville in August, 1986, and initiated efforts to arrive at a solution, in consultation with the concerned parties (residents of Auroville and Sri Aurobindo Society), to provide for a permanent arrangement for the management of Auroville. Efforts have continued since then, and although some progress has been achieved, no satisfactory formula has finally emerged as yet. It is felt that some more time would be needed to allow for the continuance of these efforts and until then the management of Auroville should be carried on as per the Auroville (Emergency Provisions) Act. As the term of the Auroville (Emergency Provisions Act, 1980 expires on the 9th November, 1987, the President promulgated the Auroville (Emergency Provisions) Amendment Ordinance, 1987, on the 28th October, 1987, to continue the period of management for a further period of one year.

3. The Bill seeks to replace the above-mentioned Ordinance.

1. **Short title and commencement.**—(1) This Act may be called the Auroville (Emergency Provisions) Amendment Act, 1987.

(2) It shall be deemed to have come into force on the 28th day of October, 1987.

NOTES

Commencement of Act.—There are two ways of the laws coming into operation. One way that in the law itself it is laid down that it shall come into force on a particular day. If that is not provided in the Act, then the Act comes into operation on the date of assent. *Chandrasekhar Singh* v. *State of Orissa*, (1967) 33 Cut LT 263.

2. **Amendment of Section 3.**—In Section 3 of the Auroville (Emergency Provisions) Act, 1980 (59 of 1980) (hereinafter referred to as the principal Act), in sub-section (1), in the proviso, for the words "seven years", the words "eight years" shall be *substituted*.

3. **Repeal and saving.**—(1) The Auroville (Emergency Provisions) Amendment Ordinance, 1987 (8 of 1987), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

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THE FINANCE (AMENDMENT) ACT, 1987[1]

[No. 46 OF 1987]

[*16th December, 1987*]

CONTENTS

Sections

1. Short title and commencement.
2. Amendment of Section 2.
3. Amendment of the First Schedule.
4. Payment of surcharge.
5. Repeal and saving.

An Act to amend the Finance Act, 1987

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows :—

Prefatory Note—Statement of Objects and Reasons.—In order to raise resources for providing relief to drought affected farmers and persons in rural areas, the Government decided to levy a surcharge of five per cent on certain taxpayers. Since Parliament was not in session and it was necessary to take immediate action to raise the additional resources, an Ordinance called the Finance (Amendment) Ordinance, 1987 was promulgated by the President on the 19th September, 1987.

2. By this Ordinance, Part III of the First Schedule to the Finance Act, 1987 has been amended to provide that in the case of every person, having a total income exceeding fifty thousand rupees, who is liable to pay advance tax or whose income is chargeable to tax under the head "Salaries", the amount of income-tax computed in accordance with the provisions of Part III of the First Schedule, shall be increased by a surcharge for purposes of the Union calculated at the rate of five per cent of such income-tax. The Ordinance also provided that in respect of instalments of advance tax which were paid or payable on the 15th day of June, 1987 and the 15th day of September, 1987, the surcharge for purposes of the Union was to be paid on or before the 30th day of September, 1987.

3. The Bill primarily seeks to replace the aforesaid Ordinance. In addition, the Bill proposes for the sake of uniformity to carry out following further amendments in the Finance Act, 1987, namely :—

(*i*) considering the facts that the income of non-residents accruing in India is chargeable to tax at different rates, the smallness of revenue involved and the operation of Tax Treaties with other countries, it has been decided not to levy the surcharge on income of non-residents and foreign companies;

(*ii*) by amending also Part II of the First Schedule to the Finance Act, 1987 and Section 2 of that Act, it is proposed to provide that surcharge shall be payable on the amount of tax deducted at source from payments like dividends, lotteries, etc., made after the proposed legislation is passed;

(*iii*) by amending Section 2 of the Finance Act, it is proposed to secure that surcharge shall be payable on the amount of income tax on profits and gains of life insurance business under Section 115-B.

1. Short title and commencement.—(1) This Act may be called the Finance (Amendment) Act, 1987.

(2) Sub-clause (*ii*) of clause (*b*) of Section 3 and clause (*c*) of Section 4 shall be deemed to have come into force on the 19th day of September, 1987 and the remaining provisions of this Act shall come into force at once.

2. Amendment of Section 2.—In Section 2 of the Finance Act, 1987 (11 of 1987) (hereinafter referred to as the principal Act),—

(*a*) after sub-section (4), the following sub-section shall be *inserted*,

1. Received the assent of the President on December 16, 1987 and published in the Gazette of India, Part II, Section 1, dated 17th December, 1987, pp. 1-3 [C]

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namely :—

"(4-A) In cases in which tax has to be deducted under Section 194-C of the Income-tax Act, the deduction shall be made at the rates specified in that section and shall be increased by a surcharge for purposes of the Union calculated at the rate of five per cent of such deduction." ;

(*b*) in sub-section (5), after the proviso, the following proviso shall be *inserted*, namely :—

"Provided further that in respect of any income chargeable to tax under Section 115-B of the Income-tax Act, the "advance tax" computed under the first proviso shall be increased by a surcharge for purposes of the Union calculated at the rate of five per cent of such "advance tax.".

NOTES

A taxing statute may contravene Article 14 of the Constitution if it seeks to impose on the same class of property, persons, transactions or occupations similarly situate, incidence of taxations which leads to obvious inequality. A taxing statute is not, therefore, exposed to attack on the ground of discrimination merely because different rates of taxation are prescribed for different categories of persons, transactions, occupations, or objects. The courts will not strike down an Act as denying the equal protection of laws merely because other objects could have been but are not taxed by the Legislature. *N. Venugopala Ravi Varma Rajah* v. *Union of India*, (1969) 1 SCC 681, 686.

3. **Amendment of the First Schedule.**—In the First Schedule to the principal Act,—

(*a*) in Part II, the following shall be *added* at the end, namely :—

"*Surcharge on income-tax.*—The amount of income-tax computed in accordance with the provisions of sub-item (*a*) of Item 1 and sub-item (*a*) of Item 2 of this Part shall be increased by a surcharge for purposes of the Union calculated at the rate of five per cent of such income-tax." ;

(*b*) in Part III,—

(*i*) in the opening portion, after the words "in that Chapter or section", the words, figures and letter 'or surcharge on such "advance tax" in respect of any income chargeable to tax under Section 115-B' shall be *inserted* ;

(*ii*) the following shall be *added* at the end, namely :—

"*Surcharge on income-tax.*—The amount of income-tax computed in accordance with the provisions of Paragraphs A, B, C, D and Item 1 of Paragraph E of this Part shall, in the case of every person having a total income exceeding fifty thousand rupees, be increased by a surcharge for purposes of the Union calculated at the rate of five per cent of such income-tax :

Provided that no such surcharge shall be payable by a non-resident.".

4. **Payment of surcharge.**—Notwithstanding anything contained in the Income-tax Act, 1961 (43 of 1961),—

(*a*) the surcharge payable under sub-section (4-A) of Section 2 of, and Part II of the First Schedule to, the principal Act, as

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amended by this Act, shall be deductible only in respect of payments made after the date on which this Act receives the assent of the President;

(*b*) the surcharge payable under the second proviso to sub-section (5) of Section 2 of the principal Act, in respect of the instalments of the "advance tax" paid or payable on the 15th day of September, 1987 and the 15th day of December, 1987 shall be payable on or before the 24th day of December, 1987;

(*c*) the surcharge payable under Part III of the First Schedule to the principal Act, as amended by this Act, in respect of the instalments of the "advance tax" paid or payable on the 15th day of June, 1987 and the 15th day of September, 1987 shall be payable on or before the 30th day of September, 1987.

5. Repeal and saving.—(1) The Finance (Amendment) Ordinance, 1987 (Ord. 6 of 1987), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

THE AIR (PREVENTION AND CONTROL OF POLLUTION) AMENDMENT ACT, 1987

[No. 47 OF 1987]

[*16th December, 1987*]

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An Act to amend the Air (Prevention and Control of Pollution) Act, 1981

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

Prefatory Note—Statement of Objects and Reasons.—The Air (Prevention and Control of Pollution) Act, 1981 was enacted under Article 253 of the Constitution to imple-

1. Received the assent of the President on December 16, 1987 and published in the Gazette of India, Extra., Part II, Section 1, dated 17th December, 1987, pp. 1-8 [C]

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ment the decisions taken at the United Nations Conference on Human Environment held at Stockholm in June, 1972 in which India participated.

2. The Air Act is implemented by the Central and State Governments and the Central and State Boards. Over the past few years, the implementing agencies have experienced some administrative and practical difficulties in effectively implementing the provisions of this Act and have brought these to the notice of Government. The ways and means to remove these difficulties have been thoroughly examined in consultation with the concerned Central Government departments, the State Governments and the Central and State Boards. Taking into account the views expressed, Government have decided to make certain amendments to the Act in order to remove such difficulties.

3. The Bill, *inter alia*, seeks to make the following amendments in the Act, namely :—

(*i*) The Central Board is proposed to be empowered to exercise the powers and perform the functions of a State Board in specific situations, particularly when a State Board fails to act and comply with the directions issued by the Central Board. It is also proposed to recover the cost of the exercise of such powers and the performance of such functions by the Central Board from the person or persons concerned, if the State Board is empowered to recover such costs under the provisions of the Act, as arrears of land revenue or of public demand.

(*ii*) It is proposed to make it obligatory on the part of a person to obtain the consent of the relevant Board even while establishing an industrial plant.

(*iii*) It is proposed to empower the Boards to obtain information regarding discharge of pollution in excess of specified standards by the industries operating even outside the air pollution control areas.

(*iv*) In order to prevent effectively air pollution, the punishments provided in the Act are proposed to be made stricter.

(*v*) In order to elicit public cooperation, it is proposed that any person should be able to complain to the courts regarding violations of the provisions of the Act after giving a notice of sixty days to the Board or the officer authorised in this behalf.

(*vi*) It is proposed to omit the Schedule to the Act so as to make the Act applicable to all the industries causing air pollution.

(*vii*) It is proposed to empower the Boards to give directions to any person, officer or authority including the power to direct closure or regulation of offending establishment or stoppage or regulation of supply of services such as, water and electricity.

(*viii*) It is proposed to empower the Boards to approach courts to pass orders restraining any person from causing air pollution.

(*ix*) For increasing the financial resources of the Boards, it is proposed to empower them to raise monies by means of obtaining loans and issue of debentures.

4. The Bill seeks to achieve the above objects.

1. Short title and commencement.—(1) This Act may be called the Air (Prevention and Control of Pollution) Amendment Act, 1987.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different States and for different provisions of this Act.

2. Amendment of Section 2.—In Section 2 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) (hereinafter referred to as the principal Act),—

(*i*) in clause (*a*), after the words "gaseous substance", the brackets and words "(including noise)" shall be *inserted*;

(*ii*) in clause (*g*), for the words "Central Board for the Prevention and Control of Water Pollution", the words "Central Pollution Control Board" shall be *substituted*;

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(*iii*) for clause (*m*), the following clause shall be *substituted*, namely :—

"(*m*) 'occupier', in relation to any factory or premises, means the person who has control over the affairs of the factory or the premises, and includes, in relation to any substance, the person in possession of the substance;" ;

NOTES

Occupier under Factories Act.—The expression "occupier" is not to be equated with "owner". But it must be borne in mind that the ultimate control over a factory must necessarily be with an owner unless the owner has completely transferred that control to another person. Whether that was done in the present case would be a question of fact. It was for the petitioners who contended that petitioner No. I was the manager of the factory and had the ultimate control thereof to lay before the Chief Inspector of Factories the necessary material for showing that the company had in some manner transferred the entire control over the factory to the petitioner No. 1. *John Donald Mackenzie* v. *Chief Inspector of Factories*, AIR 1962 SC 1351.

Undoubtedly, the expression "occupier" is not to be equated with "owner". But it must be borne in mind that the ultimate control over a factory must necessarily be with an owner unless the owner has completely transferred that control to another person. Whether that is done in a case would be a question of fact. It is for the owner, who contends that the manager of the factory had the ultimate control thereof, to lay the necessary material for showing that the company had in some manner transferred the entire control over the factory to the manager. *John Donald Mackenzie* v. *Chief Inspector of Factories, Bihar*, AIR 1962 SC 1351.

The words of S. 101 of Factories Act show that even where the occupier or manager proves that somebody else has removed the fencing without his knowledge, consent or connivance; that alone would not exempt him from liability. He has further to prove that he had used due diligence to enforce the execution of the Act which can only mean, in a case like the present, that he exercised due diligence to see that the fence which under the Act it was his duty to see was kept in position all along, had not been removed. It seems clear that if it was his duty to exercise due diligence for the purpose in a case where he could establish that somebody else had removed the fence, it would be equally his duty to exercise that diligence where he could not prove who had removed it. If it were not so, the intention of the Act to give protection to workmen would be wholly defeated. *State of Gujarat* v. *Jethalal Ghelabhai Patel*, (1964) 5 SCR 801 : AIR 1964 SC 779.

(*iv*) in clause (*o*), in sub-clause (*i*), for the words "State Board for the Prevention and Control of Water Pollution", the words "State Pollution Control Board" shall be *substituted*.

3. **Substitution of new sections for Sections 3 and 4.**—For Sections 3 and 4 of the principal Act, the following sections shall be *substituted*, namely :—

"*3. Central Pollution Control Board.*—The Central Pollution Control Board constituted under Section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), shall, without prejudice to the exercise and performance of its powers and functions under that Act, exercise the powers and perform the functions of the Central Pollution Control Board for the prevention and control of air pollution under this Act.

4. State Pollution Control Boards constituted under Section 4 of Act 6 of 1974 to be State Boards under this Act.—In any State in which the Water (Prevention and Control of Pollution) Act, 1974, is in force and the State Government has constituted for that State a State Pollution Control Board under Section 4 of that Act, such State Board shall be deemed to be the State Board for the Prevention and Control of Air Pollution constituted under Section 5 of this Act, and accordingly that State Pollution Control Board shall, without prejudice to the exercise and

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performance of its powers and functions under that Act, exercise the powers and perform the functions of the State Board for the prevention and control of air pollution under this Act.".

4. Amendment of Section 5.—In Section 5 of the principal Act,—

(*i*) in sub-section (1), for the words "State Board for the Prevention and Control of Water Pollution", the words "State Pollution Control Board" shall be *substituted*;

(*ii*) in sub-section (2), for clause (*f*), the following clause shall be *substituted*, namely :—

"(*f*) a full-time member-secretary having such qualifications, knowledge and experience of scientific, engineering or management aspects of pollution control as may be prescribed, to be appointed by the State Government;".

5. Amendment of Section 7.—In sub-section (6) of Section 7 of the principal Act, the words "but not for more than two terms" shall be *omitted*.

6. Amendment of Section 14.—In Section 14 of the principal Act, for sub-section (2), the following sub-section shall be *substituted*, namely :—

"(2) The member-secretary of a State Board, whether constituted under this Act or not, shall exercise such powers and perform such duties as may be prescribed, or as may, from time to time, be delegated to him by the State Board or its Chairman.".

7. Amendment of Section 16.—In sub-section (2) of Section 16 of the principal Act, after clause (*d*), the following clause shall be *inserted*, namely :—

"(*dd*) perform such of the functions of any State Board as may be specified in an order made under sub-section (2) of Section 18;".

8. Amendment of Section 18.—Section 18 of the principal Act shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-sections shall be *inserted*, namely :—

"(2) Where the Central Government is of the opinion that any State Board has defaulted in complying with any directions given by the Central Board under sub-section (1) and as a result of such default a grave emergency has arisen and it is necessary or expedient so to do in the public interest, it may, by order, direct the Central Board to perform any of the functions of the State Board in relation to such area, for such period and for such purposes, as may be specified in the order.

(3) Where the Central Board performs any of the functions of the State Board in pursuance of a direction under sub-section (2), the expenses, if any, incurred by the Central Board with respect to the performance of such functions may, if the State Board is empowered to recover such expenses, be recovered by the Central Board with interest (at such reasonable rate as the Central Government may, by order, fix) from the date when a demand for such expenses is made until it is paid from the person or persons concerned as arrears of land revenue or of public demand.

(4) For the removal of doubts, it is hereby declared that any direction to perform the functions of any State Board given under sub-

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section (2) in respect of any area would not preclude the State Board from performing such functions in any other area in the State or any of its other functions in that area.".

9. **Amendment of Section 21.**—In Section 21 of the principal Act,—

(*i*) for sub-section (1), the following sub-section shall be *substituted*, namely :—

"(1) Subject to the provisions of this section, no person shall, without the previous consent of the State Board, establish or operate any industrial plant in an air pollution control area :

Provided that a person operating any industrial plant in any air pollution control area immediately before the commencement of Section 9 of the Air (Prevention and Control of Pollution) Amendment Act, 1987, for which no consent was necessary prior to such commencement, may continue to do so for a period of three months from such commencement or, if he has made an application for such consent within the said period of three months, till the disposal of such application." ;

(*ii*) in the proviso to sub-section (2), the words "for the purpose of any industry specified in the Schedule" shall be *omitted* ;

(*iii*) in sub-section (4),—

(*a*) for the words "either grant or refuse, for reasons to be recorded in the order, the consent applied for", the words "and for reasons to be recorded in the order, grant the consent applied for subject to such conditions and for such period as may be specified in the order, or refuse such consent" shall be *substituted* ;

(*b*) the following provisos shall be *inserted* at the end, namely :—

"Provided that it shall be open to the State Board to cancel such consent before the expiry of the period for which it is granted or refuse further consent after such expiry if the conditions subject to which such consent has been granted are not fulfilled :

Provided further that before cancelling a consent or refusing a further consent under the first proviso, a reasonable opportunity of being heard shall be given to the person concerned." ;

(*iv*) in the first proviso to sub-section (5), the words "for the purpose of any industry specified in the Schedule" shall be *omitted*.

10. **Amendment of Section 22.**—In Section 22 of the principal Act, the words "carrying on any industry specified in the Schedule or" shall be *omitted*.

11. **Insertion of new Section 22-A.**—After Section 22 of the principal Act, the following section shall be *inserted*, namely :—

"*22-A. Power of Board to make application to court for restraining persons from causing air pollution.*—(1) Where it is apprehended by a Board that emission of any air pollutant, in excess of the standards laid down by the State Board under clause (*g*) of sub-section (1) of Section 17, is

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likely to occur by reason of any person operating an industrial plant or otherwise in any air pollution control area, the Board may make an application to a court, not inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class for restraining such person from emitting such air pollutant.

(2) On receipt of the application under sub-section (1), the court may make such order as it deems fit.

(3) Where under sub-section (2), the court makes an order restraining any person from discharging or causing or permitting to be discharged the emission of any air pollutant, it may, in that order,—

(*a*) direct such person to desist from taking such action as is likely to cause emission;

(*b*) authorise the Board, if the direction under clause (*a*) is not complied with by the person to whom such direction is issued, to implement the direction in such manner as may be specified by the court.

(4) All expenses incurred by the Board in implementing the directions of the court under clause (*b*) of sub-section (3) shall be recoverable from the person concerned as arrears of land revenue or of public demand.''.

12. Amendment of Section 23.—In Section 23 of the principal Act, in sub-section (1), the words ''air pollution control'' shall be *omitted*.

13. Amendment of Section 24.—In Section 24 of the principal Act, in sub-section (2), the words ''carrying on any industry specified in the Schedule and every person'' shall be *omitted*.

14. Insertion of new Section 31-A.—In Chapter IV of the principal Act, after Section 31, the following section shall be *inserted*, namely:—

''*31-A. Power to give directions.*—Notwithstanding anything contained in any other law, but subject to the provisions of this Act and to any directions that the Central Government may give in this behalf, a Board may, in the exercise of its powers and performance of its functions under this Act, issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions.

Explanation.—For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct—

(*a*) the closure, prohibition or regulation of any industry, operation or process; or

(*b*) the stoppage or regulation of supply of electricity, water or any other service.''.

15. Amendment of Sections 32, 33 and 49.—In the proviso to Section 32, in sub-section (3) of Section 33 and in Section 49 of the principal Act, for the words ''State Board for the Prevention and Control of Water Pollution'', wherever they occur, the words ''State Pollution Control Board'' shall be *substituted*.

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16. Insertion of new Section 33-A.—After Section 33 of the principal Act, the following section shall be *inserted*, namely :—

"*33-A. Borrowing powers of Board.*—A Board may, with the consent of, or in accordance with the terms of any general or special authority given to it by, the Central Government or, as the case may be, the State Government, borrow money from any source by way of loans or issue of bonds, debentures or such other instruments, as it may deem fit, for discharging all or any of its functions under this Act.".

17. Substitution of new section for Section 35.—For Section 35 of the principal Act, the following section shall be *substituted*, namely :—

"*35. Annual report.*—(1) The Central Board shall, during each financial year, prepare, in such form as may be prescribed, an annual report giving full account of its activities under this Act during the previous financial year and copies thereof shall be forwarded to the Central Government within four months from the last date of the previous financial year and that Government shall cause every such report to be laid before both Houses of Parliament within nine months of the last date of the previous financial year.

(2) Every State Board shall, during each financial year, prepare, in such form as may be prescribed, an annual report giving full account of its activities under this Act during the previous financial year and copies thereof shall be forwarded to the State Government within four months from the last date of the previous financial year and that Government shall cause every such report to be laid before the State Legislature within a period of nine months from the last date of the previous financial year.".

18. Substitution of new section for Section 37.—For Section 37 of the principal Act, the following section shall be *substituted*, namely :—

"*37. Failure to comply with the provisions of Section 21 or Section 22 or with the directions issued under Section 31-A.*—(1) Whoever fails to comply with the provisions of Section 21 or Section 22 or directions issued under Section 31-A, shall, in respect of each such failure, be punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine, and in case the failure continues, with an additional fine which may extend to five thousand rupees for every day during which such failure continues after the conviction for the first such failure.

(2) If the failure referred to in sub-section (1) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which shall not be less than two years but which may extend to seven years and with fine.".

19. Amendment of Section 38.—In Section 38 of the principal Act, for the words "five hundred rupees", the words "ten thousand rupees" shall be *substituted*.

20. Substitution of new section for Section 39.—For Section 39 of the principal Act, the following section shall be *substituted*, namely :—

"*39. Penalty for contravention of certain provisions of the Act.*—Whoever contravenes any of the provisions of this Act or any order or direction

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issued thereunder, for which no penalty has been elsewhere provided in this Act, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees or with both, and in the case of continuing contravention, with an additional fine which may extend to five thousand rupees for every day during which such contravention continues after conviction for the first such contravention.".

21. Substitution of new section for Section 43.– For Section 43 of the principal Act, the following section shall be *substituted*, namely :—

"*43. Cognizance of offences.*—(1) No Court shall take cognizance of any offence under this Act except on a complaint made by—

(*a*) a Board or any officer authorised in this behalf by it; or

(*b*) any person who has given notice of not less than sixty days in the manner prescribed, of the alleged offence and of his intention to make a complaint to the Board or officer authorised as aforesaid,

and no court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

(2) Where a complaint has been made under clause (*b*) of sub-section (1), the Board shall, on demand by such person, make available the relevant reports in its possession to that person :

Provided that the Board may refuse to make any such report available to such person if the same is, in its opinion, against the public interest.".

22. Omission of Section 50.—Section 50 of the principal Act shall be *omitted*.

23. Amendment of Section 53.—In Section 53 of the principal Act, in sub-section (1), for clause (*f*), the following clauses shall be *substituted*, namely :—

"(*f*) the form in which and the time within which the budget of the Central Board may be prepared and forwarded to the Central Government under Section 34;

(*ff*) the form in which the annual report of the Central Board may be prepared under Section 35;".

24. Amendment of Section 54.—In Section 54 of the principal Act,—

(*a*) in sub-section (2),—

(*i*) clause (*a*) shall be renumbered as clause (*aa*), and before clause (*aa*) as so renumbered, the following clause shall be *inserted*, namely :—

"(*a*) the qualifications, knowledge and experience of scientific, engineering or management aspects of pollution control required for appointment as member-secretary of a State Board constituted under the Act;";

(*ii*) for clause (*w*), the following clauses shall be *substituted*, namely :—

"(*w*) the form in which and the time within which the

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budget of the State Board may be prepared and forwarded to the State Government under Section 34;

(*ww*) the form in which the annual report of the State Board may be prepared under Section 35;";

(*iii*) after clause (*x*), the following clause shall be *inserted*, namely:—

"(*xx*) the manner in which notice of intention to make a complaint shall be given under Section 43;";

(*b*) in sub-section (3), for the words, brackets and letter "in clause (*a*)", the words, brackets and letters "in clause (*aa*)" shall be *substituted*.

25. **Omission of the Schedule.**—The Schedule to the principal Act shall be *omitted*.

THE EQUAL REMUNERATION (AMENDMENT) ACT, 1987[1]

[No. 49 OF 1987]

[*16th December, 1987*]

CONTENTS

Sections

1. Short title.
2. Amendment of Section 5.
3. Amendment of Section 10.
4. Substitution of new section for Section 12.
5. Substitution of new section for Section 15.

An Act to amend the Equal Remuneration Act, 1976

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

1. **Short title.**—This Act may be called the Equal Remuneration (Amendment) Act, 1987.

2. **Amendment of Section 5.**—In the Equal Remuneration Act, 1976 (25 of 1976) (hereinafter referred to as the principal Act), in Section 5, after the words "work of a similar nature,", the words "or in any condition of service subsequent to recruitment such as promotions, training or transfer," shall be *inserted*.

3. **Amendment of Section 10.**—In Section 10 of the principal Act,—

(*a*) in sub-section (1), for the words "with fine which may extend to one thousand rupees", the words "with simple imprisonment for a term which may extend to one month or with fine which may extend to ten thousand rupees or with both" shall be *substituted*;

(*b*) in sub-section (2), for the words "with fine which may extend to five thousand rupees", the words "with fine which shall not be less than ten thousand rupees but which may extend to

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twenty thousand rupees or with imprisonment for a term which shall be not less than three months but which may extend to one year or with both for the first offence, and with imprisonment which may extend to two years for the second and subsequent offences" shall be *substituted*.

4. Substitution of new section for Section 12.—For Section 12 of the principal Act, the following section shall be *substituted*, namely :—

"*12. Cognizance and trial of offences.*—(1) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

(2) No court shall take cognizance of an offence punishable under this Act except upon—

(*a*) its own knowledge or upon a complaint made by the appropriate Government or an officer authorised by it in this behalf, or

(*b*) a complaint made by the person aggrieved by the offence or by any recognised welfare institution or organisation.

Explanation.—For the purposes of this sub-section "recognised welfare institution or organisation" means a social welfare institution or organisation recognised in this behalf by the Central or State Government.".

NOTES

Offence committed by society or company.—Natural persons are made vicariously liable for an offence when it is established that the offence was committed by a company and these persons had some means with the crime either because of their connivance with or due to their criminal negligence which had resulted in its commission. *Municipal Corporation, Delhi* v. *Bhagwan Dass*, 1972 Cri LJ 1433; See also *Municipal Corporation Delhi* v. *Deepak Kumar*, 1974 FAC 496.

Every person in charge of conducting the affairs of the company at the time the offence under Prevention of Food Adulteration Act, 1954, was committed will be liable and it is not incumbent that the company and the partners should be prosecuted as a condition precedent to the prosecution of the person incharge. *Public Prosecutor* v. *Boggarapu Pullaiah*, 1974 Cri LJ 155. A different view was taken by the Madras High Court in *B K. Verma* v. *Corporation of Madras*, AIR 1971 Mad 40 : 1971 Cri LJ 60.

5. Substitution of new section for Section 15.—For Section 15 of the principal Act, the following section shall be *substituted*, namely :—

"*15. Act not to apply in certain special cases.*—Nothing in this Act shall apply—

(*a*) to cases affecting the terms and conditions of a woman's employment in complying with the requirements of any law giving special treatment to women, or

(*b*) to any special treatment accorded to women in connection with—

(*i*) the birth or expected birth of a child, or

(*ii*) the terms and conditions relating to retirement, marriage or death or to any provision made in connection with the retirement, marriage or death.".

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THE COMPTROLLER AND AUDITOR-GENERAL'S (DUTIES, POWERS AND CONDITIONS OF SERVICE) AMENDMENT ACT, 1987[1]

[No. 50 OF 1987]

[16th December, 1987]

CONTENTS

Sections
1. Short title.
2. Amendment of Section 6.
3. Omission of Section 7.
4. Amendment of Section 9.

An Act further to amend the Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Act, 1971

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows :—

Prefatory Note—Statement of Objects and Reasons.—Article 148(1) of the Constitution provides that there shall be a Comptroller and Auditor-General of India who shall be appointed by the President by warrant under his hand and seal and shall only be removed from office in like manner and on the like grounds as a Judge of the Supreme Court. Under clause (3) of the said article, the salary and other conditions of service of the Comptroller and Auditor-General shall be such as may be determined by Parliament by law. In pursuance of this provision, the Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Act, 1971 was passed by Parliament in 1971. Under this Act, the Comptroller and Auditor-General is entitled to receive the same salary as a Judge of the Supreme Court while his other conditions of service relating to pension, contribution to provident fund, etc., have been determined by the provisions of that Act.

2. The Constitution has given great importance to the office of the Comptroller and Auditor-General. There is parity of status between the Comptroller and Auditor-General and the Supreme Court Judge in many cases. The status of the office of the Comptroller and Auditor-General is unique in our federal set up, he being a common functionary for both the Union and the States. It is, therefore, necessary and proper that the Comptroller and Auditor-General is given the same conditions of service and facilities as are provided to a Judge of the Supreme Court other than the tenure and the leave facilities.

3. The Bill seeks to achieve the above objects.

1. **Short title.**—This Act may be called the Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Amendment Act, 1987.

2. **Amendment of Section 6.**—In the Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Act, 1971 (56 of 1971) (hereinafter referred to as the principal Act, in Section 6,—

(*a*) in sub-sections (6-A) and (6-B), the provisos shall be *omitted*, and shall be deemed to have been omitted with effect from the 1st day of January, 1986 ;

(*b*) after sub-section (6-B), the following sub-section shall be *inserted*, namely :—

"(6-C) Notwithstanding anything contained in the foregoing provisions of this section, a person who demits office [whether in any manner specified in sub-section (8) or by resignation] as the Comptroller and Auditor-General after the commencement of the Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Amendment Act, 1987, shall, on such

1. Received the assent of the President on December 16, 1987 and published in the Gazette of India, Extra., Part II, Section 1, dated 17th December, 1987, pp. 1-2 [C]

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demission, be entitled to—

(*a*) a pension which is equal to the pension payable to a Judge of the Supreme Court,—

(*i*) if such person is a person referred to in sub-section (1) or sub-section (3), in accordance with the provisions of Part III of the Schedule to the Supreme Court Judges (Conditions of Service) Act, 1958 (41 of 1958), (hereinafter in this Act referred to as the Supreme Court Judges Act), as amended from time to time; and

(*ii*) if such person is a person referred to in sub-section (4), in accordance with the provisions of Part I of the Schedule to the Supreme Court Judges Act, as amended from time to time;

(*b*) such pension (including commutation of pension), family pension and gratuity as are admissible to a Judge of Supreme Court under the Supreme Court Judges Act and the rules made thereunder, as amended from time to time".

NOTES

Ordinarily 'pension' means a periodical allowance of money granted in recognition of meritorious service. In its widest sense pension may include every kind and description of payment to a retiring servant. *State of Gujarat* v. *R.B. Chandrachud*, C.A. No. 579 of 1965, dated 19-11-1968.

Article 311(2) of the Constitution does not deal with pension at all. *State of Punjab* v. *K.R. Erry*, (1973) 1 SCC 120.

Pensionable benefits are not merely bounty but property to which Government servants are entitled. *Ibid.*

3. Omission of Section 7.—Section 7 of the principal Act shall be *omitted*.

4. Amendment of Section 9.—In Section 9 of the principal Act, for the opening paragraph, the following shall be *substituted*, namely:—

"Save as otherwise provided in this Act, the conditions of service relating to travelling allowance, provision of rent-free residence and exemption from payment of income-tax on the value of such rent-free residence, conveyance facilities, sumptuary allowance, medical facilities and such other conditions of service as are for the time being applicable to a Judge of the Supreme Court under Chapter IV of the Supreme Court Judges Act, and the rules made thereunder, shall, so far as may be, apply to a serving or retired Comptroller and Auditor-General as the case may be.".

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THE ADMINISTRATIVE TRIBUNALS (AMENDMENT) ACT, 1987[1]

[No. 51 OF 1987]

[*22nd December, 1987*]

CONTENTS

Sections

1. Short title.
2. Amendment of Section 2.
3. Amendment of Section 6.
4. Substitution of new section for Section 8.
5. Amendment of Section 29.
6. Insertion of new Section 36-A.

An Act further to amend the Administrative Tribunals Act, 1985

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows :—

1. **Short title.**—This Act may be called the Administrative Tribunals (Amendment) Act, 1987.

2. **Amendment of Section 2.**—In Section 2 of the Administrative Tribunals Act, 1985 (13 of 1985) (hereinafter referred to as the principal Act), in clause (*c*), after the words "any High Court", the words "or courts subordinate thereto" shall be *inserted*.

NOTES

An administrative Tribunal is neither bound by rules of evidence nor the procedure given in the Act. But it cannot come to a finding on mere guess, based on no material whatsoever. *Raghubar Mandal* v. *State of Bihar*, (1958) SCR 37: AIR 1957 SC 810: (1958) SCA 852: (1957) 8 STC 770; Also See *D.C. Mills* v. *Commissioner, I.T.*, AIR 1955 SC 65; *Union of India* v. *Verma*, AIR 1957 SC 882; *State of A.P.* v. *A.P. Rama Rao*, AIR 1963 SC 1723; *State of Punjab* v. *Amar Singh*, AIR 1966 SC 1313; *Jagdish* v. *State of M.P.*, AIR 1961 SC 1070.

Where the party does not want to avail the opportunity of personal hearing or representation and absents from the proceedings, the requirement of natural justice is fulfilled. *Rashan Lal* v. *Ishwar Das*, (1962) 2 SCR 947: AIR 1962 SC 646. Also see *John* v. *State of T.C.*, AIR 1955 SC 160; *F.N. Roy* v. *Collector of Customs*, AIR 1957 SC 1048.

3. **Amendment of Section 6.**—In Section 6 of the principal Act,—

(*a*) in sub-section (1), the word "or" occurring at the end of clause (*b*) and clause (*c*) shall be *omitted*;

(*b*) in sub-section (2), for clause (*a*), the following clause shall be *substituted*, namely :—

"(*a*) is, or has been, or is qualified to be, a Judge of a High Court; or";

(*c*) for sub-section (7), the following sub-section shall be *substituted*, namely :—

"(7) No appointment of a person possessing the qualifications specified in this section as the Chairman, a Vice-Chairman or a Member shall be made except after consultation with the Chief Justice of India.".

1. Received the assent of the President on December 22, 1987 and published in the Gazette of India. Extra., Part II, Section 1, dated 28th December, 1987, pp. 1-3 [C]

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4. Substitution of new section for Section 8.—For Section 8 of the principal Act, the following section shall be *substituted*, namely :—

"*8. Term of office.*—The Chairman, Vice-Chairman or other Member shall hold office as such for a term of five years from the date on which he enters upon his office, but shall be eligible for re-appointment for another term of five years :

Provided that no Chairman, Vice-Chairman or other Member shall hold office as such after he has attained,—

(*a*) in the case of the Chairman or Vice-Chairman, the age of sixty-five years, and

(*b*) in the case of any other Member, the age of sixty-two years.".

5. Amendment of Section 29.—In Section 29 of the principal Act, after sub-section (5), the following sub-sections shall be *inserted*, namely :—

"(6) Every case pending before a Tribunal immediately before the commencement of the Administrative Tribunals (Amendment) Act, 1987, being a case the cause of action whereon it is based is such that it would have been, if it had arisen after such commencement, within the jurisdiction of any court, shall, together with the records thereof, stand transferred on such commencement to such court.

(7) Where any case stands transferred to a court under sub-section (6), that court may proceed to deal with such case from the stage which was reached before it stood so transferred.".

6. Insertion of new Section 36-A.—After Section 36 of the principal Act, the following section shall be *inserted*, namely :—

"*36-A. Power to make rules retrospectively.*—The power to make rules under clause (*c*) of sub-section (2) of Section 35 or clause (*b*) of Section 36 shall include the power to make such rules or any of them retrospectively from a date not earlier than the date on which this Act received the assent of the President, but no such retrospective effect shall be given to any such rule so as to prejudicially affect the interests of any person to whom such rule may be applicable.".

THE CONSTITUTION (FIFTY-EIGHTH AMENDMENT) ACT, 1987[1]

[*9th December, 1987*]

CONTENTS

Sections		*Sections*	
1.	Short title.		Part XXII.
2.	Amendment of the heading of	3.	Insertion of new Article 394-A.

An Act further to amend the Constitution of India

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows :—

Prefatory Note—Statement of Objects and Reasons.—The Constitution of India was adopted by the Constituent Assembly in English. A Hindi translation of the Constitution, signed by the members of the Constituent Assembly, was also published in 1950 under the authority of the President of the Constituent Assembly in accordance with a resolution adopted by that Assembly.

1. Received the assent of the President on December 9, 1987 and published in the Gazette of India, Extra., Part II Section 1, dated 10th December, 1987, pp. 1-2 [C]

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2. There has been a general demand for the publication of an authoritative text of the Constitution in Hindi incorporating therein all the subsequent amendments. It is also imperative to have an authoritative text of the Constitution for facilitating its use in the legal process. Any Hindi version of the Constitution should not only conform to the Hindi translation published by the Constituent Assembly, but should also be in conformity with the language, style and terminology adopted in the authoritative texts of Central Acts in Hindi. It is, therefore, proposed to amend the Constitution so as to empower the President of India to publish under his authority the translation of the Constitution in Hindi signed by the members of the Constituent Assembly with such modifications as may be necessary to bring it in conformity with the language, style and terminology adopted in the authoritative texts of Central Acts in the Hindi language. The President would also be authorised to publish the translation in Hindi of every amendment of the Constitution made in English.

3. The Bill seeks to achieve the aforesaid objects.

1. **Short title.**—This Act may be called the Constitution (Fifty-eighth Amendment) Act, 1987.

2. **Amendment of the heading of Part XXII.**—In Part XXII of the Constitution, in the heading, after the word "COMMENCEMENT", the words ", AUTHORITATIVE TEXT IN HINDI" shall be *inserted*.

3. **Insertion of new Article 394-A.**—After Article 394 of the Constitution, the following article shall be *inserted*, namely :—

"*394-A. Authoritative text in the Hindi language.*—(1) The President shall cause to be published under his authority,—

(*a*) the translation of this Constitution in the Hindi language, signed by the members of the Constituent Assembly, with such modifications as may be necessary to bring it in conformity with the language, style and terminology adopted in the authoritative texts of Central Acts in the Hindi language, and incorporating therein all the amendments of this Constitution made before such publication ; and

(*b*) the translation in the Hindi language of every amendment of this Constitution made in the English language.

(2) The translation of this Constitution and of every amendment thereof published under clause (1) shall be construed to have the same meaning as the original thereof and if any difficulty arises in so construing any part of such translation, the President shall cause the same to be revised suitably.

(3) The translation of this Constitution and of every amendment thereof published under this article shall be deemed to be, for all purposes, the authoritative text thereof in the Hindi language.".

NOTES

The Constitution which can be altered or amended without any special machinery is a flexible constitution. The Constitution which requires special procedure for the alteration or amendment is a rigid constitution. The words controlled and uncontrolled have also been used for this purpose.

Under a controlled Constitution like ours, the power to amend cannot be a legislative power; it can only be a constituent power. Were it otherwise, the Constitution would cease to be a controlled one.

Therefore, by and large, the only distinction between a law amending the Constitution and an ordinary law in a rigid constitution is that an amendment of the Constitution has always to be made in the manner and form specially prescribed by the Constitution. *Kesavananda Bharati* v. *State of Kerala*, (1973) 4 SCC 225, paras 1345 and 1579.

———

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THE REGIONAL RURAL BANKS (AMENDMENT) ACT, 1987[1]

[No. 1 OF 1988]

[*3rd January, 1988*]

CONTENTS

Sections		*Sections*	
1.	Short title and commencement.	10.	Amendment of Section 16.
2.	Amendment of Section 2.	11.	Amendment of Section 17.
3.	Amendment of Section 3.	12.	Amendment of Section 20.
4.	Amendment of Section 4.	13.	Insertion of new Chapter V-A.
5.	Amendment of Section 5.	14.	Insertion of new Section 24-A.
6.	Amendment of Section 6.	15.	Amendment of Section 28.
7.	Amendment of Section 9.	16.	Amendment of Section 29.
8.	Amendment of Section 11.	17.	Amendment of Section 30.
9.	Amendment of Section 13.		

An Act further to amend the Regional Rural Banks Act, 1976

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Regional Rural Banks (Amendment) Act, 1987.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. **Amendment of Section 2.**—In Section 2 of the Regional Rural Banks Act, 1976 (21 of 1976), (hereinafter referred to as the principal Act), after clause (*c*), the following clause shall be *inserted*, namely :—

'(*ca*) "National Bank" means the National Bank for Agriculture and Rural Development established under Section 3 of the National Bank for Agriculture and Rural Development Act, 1981 (61 of 1981);'.

3. **Amendment of Section 3.**—In Section 3 of the principal Act, for sub-section (3), the following sub-section shall be *substituted*, namely :—

"(3) It shall be the duty of the Sponsor Bank to aid and assist the Regional Rural Bank, sponsored by it, by—

(*a*) subscribing to the share capital of such Regional Rural Bank;

(*b*) training personnel of such Regional Rural Bank; and

(*c*) providing such managerial and financial assistance to such Regional Rural Bank during the first five years of its functioning, as may be mutually agreed upon between the Sponsor Bank and the Regional Rural Bank:

Provided that the Central Government may, either on its own motion or on the recommendation of the National Bank, extend the said period of five years by such further period, not exceeding five years at a time, subject to such conditions as it may deem fit to impose.".

1. Received the assent of the President on January 3, 1988 and published in the Gazette of India, Extra., Part II, Section 1, dated 6th January, 1988, pp. 1-7 [C]

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4. Amendment of Section 4.—In Section 4 of the principal Act, in sub-section (1), for the words "Reserve Bank", the words "National Bank" shall be *substituted*.

5. Amendment of Section 5.—In Section 5 of the principal Act,—

(*a*) for the words "one crore of rupees, divided into one lakh", the words "five crores of rupees divided into five lakhs" shall be *substituted*;

(*b*) in the proviso, for the words "Reserve Bank", the words "National Bank" shall be *substituted*.

6. Amendment of Section 6.—In Section 6 of the Principal Act,—

(*a*) for sub-section (1), the following sub-section shall be *substituted*, namely :—

"(1) The issued capital of each Regional Rural Bank shall, in the first instance, be such as may be fixed by the Central Government in this behalf, but it shall in no case be less than twenty-five lakhs of rupees or exceed one crore of rupees.";

(*b*) in sub-section (3), for the words 'Reserve Bank", the words "National Bank" shall be *substituted*.

7. Amendment of Section 9.—In Section 9 of the principal Act, in sub-section (1), for clauses (*a*), (*b*) and (*c*), the following clauses shall be *substituted*, namely :—

"(*a*) two directors, who are not officers of the Central Government, State Government, Reserve Bank, National Bank, Sponsor Bank or any other bank, to be nominated by the Central Government;

(*b*) one director, who is an officer of the Reserve Bank, to be nominated by that Bank;

(*c*) one director, who is an officer of the National Bank, to be nominated by that Bank;

(*d*) two directors, who are officers of the Sponsor Bank, to be nominated by that Bank; and

(*e*) two directors, who are officers of the concerned State Government, to be nominated by that Government.".

8. Amendment of Section 11.—In Section 11 of the principal Act,—

(*i*) in sub-section (1),—

(*a*) for the words "The Central Government", the words "The Sponsor Bank" shall be *substituted*;

(*b*) the following proviso shall be *inserted*, namely :—

"Provided that no appointment of such an individual shall be made,—

(*a*) if such an individual is an officer of the Sponsor Bank, except after consultation with the National Bank; and

(*b*) in any other case, except with prior approval of the Central Government.";

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(*ii*) for sub-section (1-A), the following sub-section shall be *substituted*, namely :—

"(1-A) Notwithstanding anything contained in sub-section (1),—

(*a*) the Sponsor Bank shall have the right to terminate the term of office of the Chairman at any time before the expiry of the period specified in sub-section (1) :

Provided that no such termination shall be made,—

(*a*) if the Chairman is an officer of the Sponsor Bank except after consultation with the National Bank; and

(*b*) in any other case, except with the prior approval of the Central Government :

Provided further that where the Chairman is not an officer of the Central Government, State Government, Reserve Bank, National Bank, Sponsor Bank or any other bank, he shall be given notice of not less than three months in writing or three months' salary and allowances in lieu of such notice ; and

(*b*) the Chairman shall have the right to resign his office at at any time before the expiry of the period specified in sub-section (1) by giving to the Sponsor Bank, notice of not less than three months in writing." ;

(*iii*) in sub-section (4),—

(*a*) for the words "The Central Government", the words "The Sponsor Bank" shall be *substituted* ;

(*b*) for the words "Provided that", the following shall be *substituted*, namely :—

"Provided that no such removal shall be made,—

(*a*) if the Chairman is an officer of the Sponsor Bank, except after consultation with the National Bank; and

(*b*) in any other case, except with the prior approval of the Central Government ;

Provided further that" ;

(*iv*) in sub-section (5), for the words "the Central Government", the words "the Sponsor Bank in consultation with the National Bank" shall be *substituted*.

9. Amendment of Section 13.—In Section 13 of the principal Act, for sub-section (2), the following sub-section shall be *substituted*, namely :—

"(2) A director may resign his office by giving notice thereof in writing to the authority by which he was nominated ; and, on such resignation being accepted, the director shall be deemed to have vacated his office.".

NOTES

"Resignation"—Resignation according to lexical meaning and juristic sense shows that a complete and effective act of resigning office is one which severs the link of the

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resignor with his office and terminates its tenure. *Union of India* v. *Gopal Chandra Misra*, (1978) 2 SCC 301 : 1978 SCC (L & S) 303.

10. Amendment of Section 16.—In Section 16 of the principal Act, after the words "Reserve Bank,", at both the places where they occur, the words "National Bank," shall be *inserted*.

11. Amendment of Section 17.—In Section 17 of the principal Act, in sub-section (1),—

(*a*) after the words "necessary or desirable", the words "in such manner as may be prescribed" shall be *inserted*;

(*b*) in the first proviso, the words ", during the first five years of the functioning of a Regional Rural Bank" shall be *omitted*.

12. Amendment of Section 20.—In Section 20 of the principal Act, in sub-section (1), for the words "sixty days from the date of closure of its accounting year", the words "three months from the date of the closure of its accounting year, or such further period, not exceeding three months, as may be permitted by the Reserve Bank" shall be *substituted*.

13. Insertion of new Chapter V-A.—After Chapter V of the principal Act, the following Chapter shall be *inserted*, namely :—

"CHAPTER V-A

Amalgamation of Regional Rural Banks

23-A. *Amalgamation of Regional Rural Banks.*—(1) Notwithstanding anything contained in this Act, if the Central Government, after consultation with the National Bank, the concerned State Government and the Sponsor Bank, is of the opinion that it is necessary in the public interest or in the interest of the development of the area served by any Regional Rural Bank or in the interest of the Regional Rural Banks themselves, that two or more Regional Rural Banks should be amalgamated, that Government may, by notification in the Official Gazette, provide for the amalgamation of such Regional Rural Banks (hereafter in this Chapter referred to as the transferor Regional Rural Banks) into a single Regional Rural Bank (hereafter in this Chapter referred to as the transferee Regional Rural Bank) with such constitution, property, powers, rights, interests, authorities and privileges; and with such liabilities, duties and obligations, as may be specified in the notification.

(2) Every notification issued under sub-section (1) shall indicate the date with effect from which the amalgamation shall become effective.

(3) Every notification issued under sub-section (1) may also provide for all or any of the following matters, namely :—

(*a*) the continuance in service of all the employees of the transferor Regional Rural Banks (excepting such of them as not being workmen within the meaning of the Industrial Disputes Act, 1947 (14 of 1947) are specifically mentioned in the notification) in the transferee Regional Rural Bank at the same remuneration and on the same terms and conditions of service, which they were getting or, as the case may be, by which they were being governed, immediately before the date on which the amalgamation takes effect;

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(*b*) notwithstanging anything contained in clause (*a*), where any of the employees of the transferor Regional Rural Banks, not being workmen within the meaning of the Industrial Disputes Act, 1947 (14 of 1947) are specifically mentioned in the notification, or where any employee of the transferor Regional Rural Banks has by notice in writing given to the transferee Regional Rural Bank at any time before the expiry of a period of three months next following the date on which the amalgamation takes effect, intimated his intention of not becoming an employee of the transferee Regional Rural Bank, the payment to such employee of compensation, if any, to which he is entitled under the Industrial Disputes Act, 1947, and such gratuity, provident fund and other retirement benefits ordinarily admissible to him under the rules or authorisations of the concerned transferor Regional Rural Banks immediately before that date;

(*c*) the other terms and conditions for the amalgamation of Regional Rural Banks; and

(*d*) the continuance by or against the transferee Regional Rural Bank of any pending legal proceeding by or against any transferor Regional Rural Banks and such consequential, incidental and supplemental provisions, as may, in the opinion of the Central Government, be necessary to give effect to the amalgamation.

(4) Every notification issued under sub-section (1) shall as soon as may be after it has been made, be laid before each House of Parliament.

NOTES

—"**Conditions of service**"—The expression 'conditions of service' means all those conditions which regulate the holding of a post by a person right from the time of his appointment till his retirement and even beyond it, in matters like pension, etc. *I.N. Subba Reddy* v. *Andhra University*, (1977) 1 SCC 554 : 1977 SCC (L & S) 178.

In cannot be said that there can be no transfer of ownership of a right or interest unless such right or interest continues to have a separate identifiable existence in the hands of the transferee. There can be cases where ownership of a right or interest may be transferred from one person to another by extinguishment, as in the case of a lessor terminating the lease granted by him to the lessee or where a law provides for such cancellation. Where by reason of extinguishment of a right or interest of a person detriment is suffered by him and a corresponding benefit accrues to the State there would be a transfer of ownership of such right or interest to the State. *Madan Mohan Pathak* v. *Union of India*, (1978) 2 SCC 50 : 1978 (L & S) 103.

23-B. *Notification under Section 23-A to be sufficient notice to concerned parties.* – (1) A notification issued under sub-section (1) of Section 23-A, shall constitute sufficient notice of the provisions thereof to all the parties concerned and shall be binding on the transferor Regional Rural Banks and the transferee Regional Rural Bank and to the depositors, creditors, employees and all other persons having dealings with such banks.

(2) Notwithstanding anything contained in the Transfer of Property Act, 1882 (4 of 1882) or the Registration Act, 1908 (16 of 1908), any notification issued under sub-section (1) of Section 23-A shall be sufficient conveyance, in accordance with the provisions of the notification, of the business, properties, assets and liabilities, rights, interests, powers, privileges, benefits and obligations of whatever nature of the transferor Regional Rural Banks to the transferee Regional Rural Bank.

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(3) On and from the date on which the amalgamation takes effect under Section 23-A, any reference to the transferor Regional Rural Banks in any agreement, conveyance, assurance, power of attorney or any other document of whatsoever nature, shall be deemed to be a reference to the transferee Regional Rural Bank and the rights and obligations of the transferor Regional Rural Banks shall be deemed to be the rights and obligations of the transferee Regional Rural Bank to the extent specified in the said amalgamation.

23-C. *Cessation of business of transferor Regional Rural Banks.*—On and from the date on which the amalgamation takes effect under Section 23-A, the transferor Regional Rural Banks shall cease to carry on business, including that of making of any payment to any depositors or discharge any liability or obligation to the creditors except to the extent as may be necessary for the implementation of the provisions of the said amalgamation.

23-D. *Liquidation of Regional Rural Banks.*—Where a notification is issued for the amalgamation of Regional Rural Banks under sub-section (1) of Section 23-A, the Central Government may, by a further notification in the Official Gazette, direct on such date, as may be specified therein, the transferor Regional Rural Banks, which by reason of amalgamation will cease to function, shall stand dissolved and such direction shall take effect notwithstanding anything to the contrary contained in Section 26.".

14. Insertion of new Section 24-A.—After Section 24 of the principal Act, following section shall be *inserted*, namely :—

"24-A. *Inspection, audit and scrutiny by the Sponsor Bank.*—Notwithstanding anything contained in Section 19 and without prejudice to the provisions of Section 35 of the Banking Regulation Act, 1949 (10 of 1949), the Sponsor Bank shall, from time to time monitor the progress of the Regional Rural Banks sponsored by it and cause inspection, internal audit and scrutiny to be made by one or more of its officers and suggest corrective measures to be taken by such Regional Rural Bank.".

15. Amendment of Section 28.—In Section 28 of the principal Act, in sub-section (2), after the words "the Reserve Bank", the words "or the National Bank" shall be *inserted*.

16. Amendment of Section 29.—In Section 29 of the principal Act,—

(*a*) in sub-section (1), for the words "Reserve Bank", the words "National Bank" shall be *substituted*;

(*b*) in sub-section (2), after clause (*b*), the following clause shall be *inserted*, namely :—

"(*ba*) the manner in which the officers and other employees of the Regional Rural Banks shall be appointed;".

17. Amendment of Section 30.—In Section 30 of the principal Act, in sub-section (1), for the words "Reserve Bank", the words "National Bank" shall be *substituted*.

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THE ALL INDIA COUNCIL FOR TECHNICAL EDUCATION ACT, 1987[1]

[No. 52 OF 1987]

[*23rd December, 1987*]

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An Act to provide for the establishment of an All India Council for Technical Education with a view to the proper planning and co-ordinated development of the technical education system throughout the country, the promotion of qualitative improvements of such education in relation to planned quantitative growth and the regulation and proper maintenance of norms and standards in the technical education system and for matters connected therewith.

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows :—

Prefatory Note—Statement of Objects and Reasons.—The All India Council for Technical Education (AICTE) was set up in 1945 by a Government resolution as a National Expert Body to advice the Central and the State Governments for ensuring the coordinated development of technical education in accordance with approved standards. During the first three decades the Council functioned quite effectively and there was phenomenal development of technical education in this period. However, in recent years, a large number of private engineering colleges and polytechnics have come up in complete disregard of the guidelines, laid down by the AICTE. Most of these institutions have serious deficiencies in terms of even the rudimentary infrastructure necessary for imparting proper education and training. Barring some exceptions, there is scant regard for maintenance of educational standards.

2. Taking into account the growing erosion of standards, the Council at its meeting held in 1981 came to the conclusion that a stage had been reached when it should be vested

1. Received the assent of the President on December 23, 1987 and published in the Gazette of India, Extra., Part II, Section 1, dated 28th December, 1987, pp. 1—12 [Q]

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with statutory powers to regulate and maintain standards of technical education in the country. In pursuance of these and other recommendations, a National Working Group was set up in November, 1985 to look into the role of the AICTE. The National Working Group recommended that in order to enable the AICTE to play its role effectively, it shall have to be vested with necessary statutory authority. The National Policy on Education, 1986, also stipulated that the AICTE will be vested with statutory authority for planning, formulation and the maintenance of norms and standards, accreditation, funding of priority areas, monitoring and evaluation, maintaining parity of certificates and awards and ensuring the coordinated and integrated development of technical and management education.

3. The Bill seeks to provide statutory powers to All India Council for Technical Education to ensure :

(*i*) proper planning and coordinated development of the technical education system throughout the country,

(*ii*) promotion of qualitative improvement of technical education in relation to planned quantitative growth, and

(*iii*) regulation of the system and proper maintenance of norms and standards.

Accordingly, the power and functions assigned to the AICTE *inter alia* provide laying down norms and standards for programmes and institutions, giving approval for setting up of technical institutions, prescribing guidelines for admission of students and the charging of fees, and inspecting and evaluating institutions periodically with a view to maintaining standards and accordingly to provide recognition or withhold recognition of programmes and institutions. As part of this overall coordination and developmental responsibilities, the AICTE will also give grants to institutions for identified developmental purposes. In addition, the AICTE will promote innovation, research and development, linkages with industry and greater access to technical education by women, handicapped, and the weaker sections of the society.

4. The Bill seeks to achieve the above objective.

CHAPTER I

Preliminary

1. Short title and commencement.—(1) This Act may be called the All India Council for Technical Education Act, 1987.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

NOTES

In *Hazari Lal* v. *Kanhaiya Lal*, AIR 1953 All 686 : 1953 ALJ 288, the question for decision was whether the words "the date of the commencement of this Act" in Section 15 of U.P. (Temporary) Control of Rent and Eviction Act, 1947, mean the original date when the Act came into force or the date when the Act was made applicable to a particular area. The High Court held that these words must be interpreted to mean the date on which the Act became applicable to that area.

When the legislature fixes the date and clearly express the intention that the Act shall come into force from that date, it is immaterial whether the bill after having passed by both the Houses, receives the assent of the Governor or President, as the case may be, prior to such date or subsequently. In either case, the intention being expressed and manifest, the Act shall come into force on that date. *Guntur Dist. Coop. Mkg. Society Ltd.* v. *State of A.P.*, (1967) 20 STC 476 (AP).

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "Commission" means the University Grants Commission established under Section 4 of the University Grants Commission Act, 1956 (3 of 1956) ;

(*b*) "Council" means the All India Council for Technical Education established under Section 3 ;

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(*c*) "Fund" means the Fund of the Council constituted under Section 16;

(*d*) "member" means a member of the Council and includes the Chairman and Vice-Chairman;

(*e*) "prescribed" means prescribed by rules made under this Act;

(*f*) "regulation" means regulation made under this Act;

(*g*) "technical education" means programmes of education, research and training in engineering technology, architecture, town planning, management, pharmacy and applied arts and crafts and such other programme or areas as the Central Government may, in consultation with the Council, by notification in the Official Gazette, declare;

(*h*) "technical institution" means an institution, not being a University, which offers courses or programmes of technical education, and shall include such other institutions as the Central Government may, in consultation with the Council, by notification in the Official Gazette, declare as technical institutions;

(*i*) "University" means a University defined under clause (*f*) of Section 2 of the University Grants Commission Act, 1956 (3 of 1956), and includes an institution deemed to be a University under Section 3 of that Act.

NOTES

University whether State.—A University is 'State' for the purpose of Article 12 of the Constitution. The laws made by the University must conform to the fundamental rights provided in Part III of the Constitution. *Umesh Chandra* v. *V.N. Singh*, AIR 1968 Pat 3.

CHAPTER II

Establishment of the Council

3. Establishment of the Council.—(1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be established a Council by the name of the All India Council for Technical Education.

(2) The Council shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to contract and shall by the said name sue and be sued.

(3) The head office of the Council shall be at Delhi and the Council may, with the previous approval of the Central Government, establish offices at other places in India.

(4) The Council shall consist of the following members, namely:—

(*a*) a Chairman to be appointed by the Central Government;

(*b*) a Vice-Chairman to be appointed by the Central Government;

(*c*) the Secretary to the Government of India in the Ministry of the Central Government dealing with education, *ex officio*;

(*d*) the Educational Adviser (General) to the Government of India, *ex officio*;

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(*e*) the Chairmen of the four Regional Committees, *ex officio* ;

(*f*) the Chairmen of,—

(*i*) the All India Board of Vocational Education, *ex officio* ;

(*ii*) the All India Board of Technical Education, *ex officio* ;

(*iii*) the All India Board of Under-graduate Studies in Engineering and Technology, *ex officio* ;

(*iv*) the All India Board of Post-graduate Education and Research in Engineering and Technology, *ex officio* ;

(*v*) the All India Board of Management Studies, *ex officio* ;

(*g*) one member to be appointed by the Central Government to represent the Ministry of Finance of the Central Government ;

(*h*) one member to be appointed by the Central Government to represent the Ministry of Science and Technology of the Central Government ;

(*i*) four members to be appointed by the Gentral Government by rotation to represent the Ministries and the Departments of the Central Government, other than those specified in clauses (*g*) and (*h*) ;

(*j*) two members of Parliament of whom one shall be elected by the House of the People and one by the Council of States ;

(*k*) eight members to be appointed by the Central Government by rotation in the alphabetical order to represent the States and the Union territories :

Provided that an appointment under this clause shall be made on the recommendation of the Government of the State, or as the case may be, the Union territory concerned ;

(*l*) four members to be appointed by the Central Government to represent the organisations in the field of industry and commerce ;

(*m*) seven members to be appointed by the Central Government to represent,—

(*i*) the Central Advisory Board of Education ;

(*ii*) the Association of Indian Universities ;

(*iii*) the Indian Society for Technical Education ;

(*iv*) the Council of the Indian Institutes of Technology ;

(*v*) the Pharmacy Council of India ;

(*vi*) the Council of Architecture ;

(*vii*) the National Productivity Council ;

(*n*) four members to be appointed by the Central Government to represent the professional bodies in the field of technical and management education ;

(*o*) not more than two members to be appointed by the Central Government to represent such interests not covered by the foregoing clauses as the Central Government may deem fit ;

(*p*) the Chairman, University Grants Commission, *ex officio* ;

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(*q*) the Director, Institute of Applied Manpower Research, New Delhi, *ex officio* ;

(*r*) the Director-General, Indian Council of Agricultural Research, *ex officio* ;

(*s*) the Director-General, Council of Scientific and Industrial Research, *ex officio* ;

(*t*) Member-Secretary to be appointed by the Central Government.

(5) Notwithstanding anything contained in sub-section (4),—

(*a*) the first Chairman shall be the Minister of Human Resource Development of the Central Government ;

(*b*) the first Vice-Chairman of the Council shall be the Minister of State for Education of the Central Government ;

(*c*) the first Member-Secretary of the Council shall be the Educational Adviser (Technical) of the Central Government.

4. Term of office of members.—(1) The term of office of a member, other than an *ex officio* member, on the first constitution of the Council shall be five years and thereafter three years.

(2) If a casual vacancy occurs in the office of the Chairman, whether by reason of his death, resignation or inability to discharge his functions owing to illness or other incapacity, the Vice-Chairman holding office as such for the time being shall act as the Chairman and shall, unless any other person is appointed earlier as the Chairman, hold office of the Chairman for the remainder of the term of office of the person in whose place he is to so act.

(3) If a casual vacancy occurs in the office of the Vice-Chairman or any other member, whether by reason of his death, resignation or inability to discharge his functions owing to illness or other incapacity, such vacancy shall be filled up by the Central Government by making a fresh appointment and the member so appointed shall hold office for the remainder of the term of office of the person in whose place he is so appointed.

(4) The Vice-Chairman shall perform such functions as may be assigned to him by the Chairman from time to time.

(5) The procedure to be followed by the members in the discharge of their functions shall be such as may be prescribed.

5. Meetings of the Council.—(1) The Council shall meet at such time and places, and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at such meetings) as may be provided by regulations :

Provided that the Council shall meet at least once every year.

(2) The Chairman and in his absence the Vice-Chairman shall preside at the meetings of the Council.

(3) If for any reason the Chairman or the Vice-Chairman is unable to attend any meeting of the Council any other member chosen by the members present at the meeting shall preside at the meeting.

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(4) All questions which come up before any meeting of the Council shall be decided by a majority of the votes of the members present and voting, and, in the event of an equality of votes, the Chairman, or in his absence, the person presiding, shall have and exercise a second or casting vote.

6. Vacancies, etc., not to invalidate proceedings of the Council.—No act or proceeding of the Council shall be invalid merely by reason of—

(*a*) any vacancy in, or any defect in the constitution of, the Council ; or

(*b*) any defect in the appointment of a person acting as a member of the Council ; or

(*c*) any irregularity in the procedure of the Council not affecting the merits of the case.

7. Temporary association of persons with the Council for particular purposes.—(1) The Council may associate with itself, in such manner and for such purposes as may be determined by regulations, any person whose assistance or advice it may desire in carrying out any of the provisions of this Act.

(2) A person associated with it by the Council under sub-section (1) for any purpose shall have a right to take part in the discussions relevant to that purpose, but shall not have a right to vote at a meeting of the Council, and shall not be a member for any other purpose.

8. Appointment of officers and other employees of the Council.—(1) For the purpose of enabling it efficiently to discharge its functions under this Act, the Council shall, subject to such regulations as may be made in this behalf, appoint (whether on deputation or otherwise) such number of officers and other employees as it may consider necessary :

Provided that the appointment of such category of officers, as may be specified in such regulations, shall be subject to the approval of the Central Government.

(2) Every officer or other employee appointed by the Council shall be subject to such conditions of service and shall be entitled to such remuneration as may be determined by regulations.

9. Authentication of orders and other instruments of the Council.—All orders and decisions of the Council shall be authenticated by the signature of the Chairman or any other member authorised by the Council in this behalf, and all other instruments issued by the Council shall be authenticated by the signature of the Member-Secretary or any other officer of the Council authorised in like manner in this behalf.

CHAPTER III

Powers and functions of the Council

10. Functions of the Council.—(1) It shall be the duty of the Council to take all such steps as it may think fit for ensuring coordinated and integrated development of technical and management education and maintenance of standards and for the purposes of performing its functions

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under this Act, the Council may—

(*a*) undertake survey in the various fields of technical education, collect data on all related matters and make forecast of the needed growth and development in technical education ;

(*b*) coordinate the development of technical education in the country at all levels ;

(*c*) allocate and disburse out of the Fund of the Council such grant on such terms and conditions as it may think fit to—

(*i*) technical institutions, and

(*ii*) Universities imparting technical education in coordination with the Commission ;

(*d*) promote innovations, research and development in established and new technologies, generation, adoption and adaptation of new technologies to meet developmental requirements and for overall improvement of educational processes ;

(*e*) formulate schemes for promoting technical education for women, handicapped and weaker sections of the society ;

(*f*) promote an effective link between technical education system and other relevant systems including research and development organisations, industry and the community ;

(*g*) evolve suitable performance appraisal systems for technical institutions and Universities imparting technical education, incorporating norms and mechanisms for enforcing accountability ;

(*h*) formulate schemes for the initial and in service training of teachers and identify institutions or centres and set up new centres for offering staff development programmes including continuing education of teachers ;

(*i*) lay down norms and standards for courses, curricula, physical and instructional facilities, staff pattern, staff qualifications, quality instructions, assessment and examinations ;

(*j*) fix norms and guidelines for charging tuition and other fees ;

(*k*) grant approval for starting new technical institutions and for introduction of new courses or programmes in consultation with the agencies concerned ;

(*l*) advice the Central Government in respect of grant of charter to any professional body or institution in the field of technical education conferring powers, rights and privileges on it for the promotion of such profession in its field including conduct of examinations and awarding of membership certificates ;

(*m*) lay down norms for granting autonomy to technical institutions ;

(*n*) take all necessary steps to prevent commercialisation of technical education ;

(*o*) provide guidelines for admission of students to technical institutions and Universities imparting technical education ;

(*p*) inspect or cause to inspect any technical institution ;

(*q*) withhold or discontinue grants in respect of courses, programmes to such technical institutions which fail to comply with the directions given by the Council within the stipulated period of

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time and take such other steps as may be necessary for ensuring compliance of the directions of the Council;

(*r*) take steps to strengthen the existing organisations and to set up new organisations to ensure effective discharge of the Council's responsibilities and to create positions of professional, technical and supporting staff based on requirements;

(*s*) declare technical institutions at various levels and types offering courses in technical education fit to receive grants;

(*t*) advice the Commission for declaring any institution imparting technical education as a deemed University;

(*u*) set up a National Board of Accreditation to periodically conduct evaluation of technical institutions or programmes on the basis of guidelines, norms and standards specified by it and to make recommendation to it, or to the Council, or to the Commission or to other bodies, regarding recognition or de-recognition of the institution or the programme;

(*v*) perform such other functions as may be prescribed.

11. Inspection.— (1) For the purposes of ascertaining the financial needs of technical institution or a University or its standards of teaching, examination and research, the Council may cause an inspection of any department or departments of such technical institution or University to be made in such manner as may be prescribed and by such person or persons as it may direct.

(2) The Council shall communicate to the technical institution or University the date on which any inspection under sub-section (1) is to be made and the technical institution or University shall be entitled to be associated with the inspection in such manner as may be prescribed.

(3) The Council shall communicate to the technical institution or the University, its views in regard to the results of any such inspection and may, after ascertaining the opinion of that technical institution or University, recommend to that institution or University the action to be taken as a result of such inspection.

(4) All communications to a technical institution or University under this section shall be made to the executive authority thereof and the executive authority of the technical institution or University shall report to the Council the action, if any, which is proposed to be taken for the purposes of implementing any such recommendation as is referred to in sub-section (3).

CHAPTER IV

Bodies of the Council

12. Executive Committee of the Council.—(1) The Council shall constitute a Committee, called the Executive Committee for discharging such functions as may be assigned to it by the Council.

(2) The Executive Committee shall consist of the following members, namely:—

(*a*) the Chairman of the Council;

(*b*) the Vice-Chairman of the Council;

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(*c*) Secretary to the Government of India in the Ministry of the Central Government dealing with Education, *ex officio* ;

(*d*) two Chairmen of the Regional Committees ;

(*e*) three Chairmen of the Boards of Studies ;

(*f*) a member of the Council representing the Ministry of Finance of the Central Government, *ex officio* ;

(*g*) four out of eight members of the Council representing the States and Union territories under clause (*k*) of sub-section (4) of Section 3 ;

(*h*) four members with expertise and distinction in areas relevant to Technical Education to be nominated by the Chairman of the Council ;

(*i*) the Chairman of the University Grants Commission, *ex officio* ;

(*j*) the Director, Institute of Manpower Research, *ex officio* ;

(*k*) the Director General of Agricultural Research, *ex officio*

(*l*) the Member-Secretary of the Council.

(3) The Chairman and the Member-Secretary of the Council shall respectively, function as the Chairman and the Member-Secretary of the Executive Committee.

(4) The Chairman or in his absence, the Vice-Chairman of the Council shall preside at the meetings of the Executive Committee and in the absence of both the Chairman and the Vice-Chairman, any other member chosen by the members present at the meeting shall preside at the meeting.

(5) The Executive Committee shall meet at such time and places, and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at such meetings) as the Council may provide by regulations.

13. Boards of Studies.—(1) The Council shall establish the following Boards of Studies, namely :—

(*i*) All India Board of Vocational Education ;

(*ii*) All India Board of Technical Education ;

(*iii*) All India Board of Under-graduate Studies in Engineering and Technology ;

(*iv*) All India Board of Post-graduate Education and Research in Engineering and Technology ;

(*v*) All India Board of Management Studies.

(2) The Council may, if it considers necessary, establish such other Boards of Studies as it may think fit.

(3) Every Board of Studies shall advise the Executive Committee on academic matters falling in its area of concern including norms, standards, model curricula, model facilities and structure of courses.

(4) The area of concern, powers, the constitution and functions of the Boards of Studies shall be such as the Council may provide by regulations.

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14. Regional Committees.—(1) The Council shall establish the following Regional Committees, namely :—

(*i*) The Northern Regional Committee with its office at Kanpur ;

(*ii*) The Southern Regional Committee with its office at Madras ;

(*iii*) The Western Regional Committee with its office at Bombay ;

(*iv*) The Eastern Regional Committee with its office at Calcutta.

(2) The Council may, if it considers necessary, establish such other Regional Committees as it may think fit.

(3) The Regional Committee shall advise and assist the Council to look into all aspects of planning, promoting and regulating technical education within the region.

(4) The region for which the Regional Committees may be established and the constitution and functions of such Committees shall be prescribed by regulation.

CHAPTER V

Finance, accounts and audit

15. Payment to the Council.—The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Council in each financial year such sums as may be considered necessary for the performance of functions of the Council under this Act.

16. Fund of the Council.—(1) The Council shall have its own Fund ; and all sums which may, from time to time, be paid to it by the Central Government and all the receipts of the Council (including any sum which any State Government or any other authority or person may hand over to the Council) shall be credited to the Fund and all payments by the Council shall be made therefrom.

(2) All moneys belonging to the Fund shall be deposited in such banks or invested in such manner as may, subject to the approval of the Central Government, be decided by the Council.

(3) The Council may spend such sums as it thinks fit for performing its functions under this Act, and such sums shall be treated as expenditure payable out of the Fund of the Council.

17. Budget.—The Council shall prepare, in such form and at such time each year as may be prescribed, a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure, and copies thereof shall be forwarded to the Central Government.

18. Annual report.—The Council shall prepare once every year in such form and at such time as may be prescribed, an annual report giving a true and full account of its activities during the previous year, and copies thereof shall be forwarded to the Central Government and that Government shall cause the same to be laid before both Houses of Parliament.

19. Accounts and audit.—(1) The Council shall cause to be maintained such books of account and other books in relation to its accounts in

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such form and in such manner as may, in consultation with the Comptroller and Auditor-General of India, be prescribed.

(2) The Council shall, as soon as may be, after closing its annual accounts prepare a statement of accounts in such form, and forward the same to the Comptroller and Auditor-General of India by such date, as the Central Government may, in consultation with the Comptroller and Auditor-General, determine.

(3) The accounts of the Council shall be audited by the Comptroller and Auditor-General of India at such times and in such manner as he thinks fit.

(4) The accounts of the Council as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before both Houses of Parliament.

Chapter VI

Miscellaneous

20. Directions by the Central Government.—(1) The Council shall, in the discharge of its functions and duties under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time.

(2) The decision of the Central Government as to whether a question is one of policy or not shall be final.

21. Power to supersede the Council.—(1) If the Central Government is of the opinion that the Council is unable to perform, or has persistently made default in the performance of, the duty imposed on it by or under this Act or has exceeded or abused its powers, or has wilfully or without sufficient cause, failed to comply with any direction issued by the Central Government under Section 20, the Central Government may, by notification in the Official Gazette, supersede the Council for such period as may be specified in the notification:

Provided that before issuing a notification under this sub-section, the Central Government shall give a reasonable time to the Council to show cause why it should not be superseded and shall consider the explanation and objections, if any, of the Council.

(2) Upon the publication of a notification under sub-section (1) superseding the Council,—

(*a*) all the members of the Council shall, notwithstanding that their term of office had not expired, as from the date of supersession, vacate their offices as such members;

(*b*) all the powers and duties which may, by or under the provisions of this Act, be exercised or performed by or on behalf of the Council shall, during the period of supersession, be exercised and performed by such person or persons as the Central Government may direct;

(*c*) all property vested in the Council shall, during the period of supersession, vest in the Central Government.

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(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government may—

(*a*) extend the period of supersession for such further period as it may consider necessary ; or

(*b*) reconstitute the Council in the manner provided in Section 3.

22. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the procedure to be followed by the members in the discharge of their functions ;

(*b*) the inspection of technical institutions and Universities ;

(*c*) the form and manner in which the budget and reports are to be prepared by the Council ;

(*d*) the manner in which the accounts of the Council are to be maintained ; and

(*e*) any other matter which has to be, or may be, prescribed.

23. Power to make regulations.—The Council may, by notification in the Official Gazette, make regulations not inconsistent with the provisions of this Act, and the rules generally to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely :—

(*a*) regulating the meetings of the Council and the procedure for conducting business thereat ;

(*b*) the terms and conditions of service of the officers and employees of the Council ;

(*c*) regulating the meetings of the Executive Committee and the procedure for conducting business thereat ;

(*d*) the area of concern, the constitution, and powers and functions of the Board of Studies ;

(*e*) the region for which the Regional Committee be established and the constitution and functions of such Committee.

24. Rules and regulations to be laid before Parliament.—Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so, however, that such modification or annulment

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shall be without prejudice to the validity of anything previously done under that rule or regulation.

NOTES

In *Jan Mohammad* v. *State of Gujarat*, AIR 1966 SC 385, the validity of rules framed under the Bombay Act 22 of 1939 was challenged on ground that the rules framed under the Act were not placed before the Legislative Assembly at the first session and therefore they had no legal validity. It was provided in that Act that the rules framed under the Act should be laid before each of the Houses at the session thereof next following : The Supreme Court held that the rules were valid from the date on which they were made and failure to place the rules before the Houses of Legislature did not affect the validity of the rule.

25. **Power to remove difficulties.**—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty :

Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

THE NATIONAL HOUSING BANK ACT, 1987[1]

[No. 53 OF 1987]

[*23rd December, 1987*]

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1. Received the assent of the President on December 23, 1987 and published in the Gazette of India, Extra., Part II, Section 1, dated 28th December, 1987, pp. 1-22. [C]

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THE FIRST SCHEDULE

THE SECOND SCHEDULE

An Act to establish a bank to be known as the National Housing Bank to operate as a principal agency to promote housing finance institutions both at local and regional levels and to provide financial and other support to such institutions and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows :—

Prefatory Note—Statement of Objects and Reasons.—Housing is a basic need and serves to fulfil the fundamental objective of providing shelter. The existing institutional framework for providing housing finance is yet to develop fully. It is, therefore, necessary to create a housing finance structure through establishment of appropriate institutions at various levels which would mobilise resources and promote housing activity.

2. A high level group which looked into the problem, recommended that a National Housing Bank be established as an apex housing financial institution to function as the principal agency for the promotion of housing finance institutions at various levels, to co-ordinate the activities of these institutions, to promote mobilisation of resources for housing and to extend financial support to the housing finance institutions.

3. The Bills seeks to provide for the establishment of a National Housing Bank with a view to giving effect to the aforementioned recommendations of the high level group. In addition, the National Housing Bank will also play a role in the formulation of policies designed to promote housing in the country and provide guide-lines for the working of all the agencies connected with housing.

4. The Notes on clauses appended to the Bill explain the provisions of the Bill.

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CHAPTER I

Preliminary

1. **Short title, extent and commencement.**—(1) This Act may be called the National Housing Bank Act, 1987.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act and any reference in any provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. **Definitions.**—In this Act, unless the context otherwise requires,—

(*a*) "Board" means the Board of Directors of the National Housing Bank referred to in Section 6;

(*b*) "Chairman" means the Chairman of the Board appointed under Section 6;

(*c*) "director" means a director appointed under Section 6;

(*d*) "housing finance institution" includes every institution, whether incorporated or not, which primarily transacts or has as its principal object, the transacting of the business of providing finance for housing, whether directly or indirectly;

(*e*) "Managing Director" means the Managing Director appointed under Section 6;

(*f*) "National Housing Bank" means the National Housing Bank established under Section 3;

(*g*) "notification" means a notification published in the Official Gazette;

(*h*) "prescribed" means prescribed by regulations made under this Act;

(*i*) "Reserve Bank" means the Reserve Bank of India constituted under Section 3 of the Reserve Bank of India Act, 1934 (2 of 1934);

(*j*) words and expressions used herein and not defined but defined in the Reserve Bank of India Act, 1934 (2 of 1934), shall have the meanings respectively assigned to them in that Act;

(*k*) words and expressions used herein and not defined either in this Act or in the Reserve Bank of India Act, 1934 (2 of 1934), but defined in the Banking Regulation Act, 1949, shall have the meanings respectively assigned to them in the Banking Regulation Act, 1949 (10 of 1949).

CHAPTER II

Establishment of the National Housing Bank and capital thereof

3. **Establishment and incorporation of National Housing Bank.**—(1) With effect from such date as the Central Government may, by notification, appoint, there shall be established for the purposes of this Act, a bank to be known as the National Housing Bank.

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(2) The National Housing Bank shall be a body corporate with the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and may, by that name, sue and be sued.

(3) The head office of the National Housing Bank shall be at Bombay or at such other place as the Reserve Bank may, by notification, specify.

(4) The National Housing Bank may establish offices, branches or agencies at any place in India, and with the previous approval of the Reserve Bank, at any place outside India.

4. Capital.—The authorised and paid up capital of the National Housing Bank shall be one hundred crores of rupees and shall be subscribed by the Reserve Bank :

Provided that the Central Government may, in consultation with the Reserve Bank, by notification, increase the said capital up to five hundred crores of rupees and the capital so increased shall also be subscribed by the Reserve Bank.

CHAPTER III

Management of the National Housing Bank

5. Management.—(1) The general superintendence, direction and management of the affairs and business of the National Housing Bank shall vest in the Board of Directors, which shall exercise all powers and do all acts and things, which may be exercised or done by the National Housing Bank.

(2) Subject to the provisions of this Act, the Board, in discharging its functions, shall act on business principles with due regard to public interest.

(3) Subject to the provisions of sub-section (1) and save as otherwise provided in the regulations made under this Act,—

(*a*) the Chairman, if he is holding offices both as the Chairman and the Managing Director, or

(*b*) the Managing Director, if the Chairman is absent,

shall also have powers of general superintendence, direction and management of the affairs and business of the National Housing Bank and may also exercise all powers and do all acts and things which may be exercised or done by the National Housing Bank and shall act on business principles with due regard to public interest.

(4) The Managing Director shall, in the discharge of his powers and functions, follow such directions as the Chairman may give.

(5) In the discharge of its functions under this Act, the National Housing Bank shall be guided by such directions in matters of policy involving public interest as the Central Government, in consultation with the Reserve Bank, or the Reserve Bank, may give in writing.

6. Board of Directors.—(1) The Board of Directors of the National Housing Bank shall consist of the following, namely :—

(*a*) a Chairman and a Managing Director :

Provided that the same person may be appointed as Chairman and as Managing Director ;

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(*b*) three directors from amongst the experts in the field of housing, architecture, engineering, sociology, finance, law, management and corporate planning or in any other field, special knowledge of which is considered useful to the National Housing Bank ;

(*c*) three directors, who shall be persons with experience in the working of institutions involved in providing funds for housing or engaged in housing development ;

(*d*) two directors from out of the directors of the Reserve Bank ;

(*e*) three directors from amongst the officials of the Central Government ;

(*f*) two directors from amongst the officials of the State Government.

(2) The Chairman, the Managing Director and other directors excluding the directors referred to in clause (*d*), shall be appointed by the Central Government in consultation with the Reserve Bank and directors referred to in clause (*d*) shall be nominated by the Reserve Bank.

7. **Terms of office of Chairman, Managing Director and other directors, service conditions, etc.**—(1) The Chairman and the Managing Director shall hold office for such term, not exceeding five years and shall receive such salary and allowances and be governed by such terms and conditions of service as the Central Government may, in consultation with the Reserve bank, specify and shall be eligible for re-appointment :

Provided that the Chairman or, as the case may be, the Managing Director shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(2) The directors referred to in clauses (*b*) and (*c*) of sub-section (1) of Section 6 shall hold office for a term of three years :

Provided that any such director shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(3) The Central Government may, in consultation with the Reserve Bank, remove the Chairman or the Managing Director, or any other director referred to in sub-section (2), at any time before the expiry of his term of office after giving him a reasonable opportunity of showing cause against the proposed removal.

(4) Notwithstanding anything contained in sub-sections (1) and (3), the Central Government, in consultation with the Reserve Bank, shall have the right to terminate the term of office of the Chairman or, as the case may be, the Managing Director, at any time before the expiry of the term specified under sub-section (1), by giving him notice of not less than three months in writing or three months' salary and allowances in lieu thereof and the Chairman or the Managing Director, as the case may be, shall also have the right to relinquish his office at any time before the expiry of the term specified under sub-section (1), by giving to the Central Government notice of not less than three months in writing or three months' salary and allowances in lieu thereof.

(5) The directors shall be paid such fees and allowances as may be prescribed for attending the meetings of the Board or of any of its committees and for attending to any other work of the National Housing Bank :

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Provided that no such fee shall be payable to any director, who is an official of the Government or a director of the Reserve Bank.

8. Disqualifications.—No person shall be a director of the Board, if he—

(*a*) is, or becomes of unsound mind and has been so declared by a competent court; or

(*b*) is or has been convicted of any offence which, in the opinion of the Central Government, involves moral turpitude; or

(*c*) is, or at any time has been, adjudicated as insolvent or has suspended payment of his debts or has compounded with his creditors; or

(*d*) has, for any reason, been removed or dismissed from the service of—

(*i*) the Government, or

(*ii*) the Reserve Bank, the State Bank or any other bank, or

(*iii*) any public financial institution, or state financial corporation, or

(*iv*) any other corporation owned or controlled by the Government.

9. Vacation and resignation of office by directors.—(1) If a director—

(*a*) becomes subject to any of the disqualifications mentioned in Section 8; or

(*b*) is absent without leave of the Board for three or more consecutive meetings thereof,

his seat shall thereupon become vacant.

(2) Any director may resign his office by giving notice thereof in writing to the authority that appointed or, as the case may be, nominated him and on his resignation being accepted by such authority or if his resignation is not sooner accepted, on the expiry of three months from the receipt thereof by such appointing authority, he shall be deemed to have vacated his office.

10. Casual vacancy in the office of Chairman or Managing Director.—If the Chairman, or as the case may be, the Managing Director, is by infirmity or otherwise rendered incapable of carrying out his duties or is absent on leave or otherwise, in circumstances not involving the vacation of his appointment, the Central Government may, appoint another person to act in his place during his absence.

11. Meetings of Board.—(1) The Board shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings, as may be prescribed.

(2) The Chairman, or, if for any reason he is unable to attend a meeting of the Board, the Managing Director, or, in the event of both the Chairman and the Managing Director being unable to attend a meeting, any other director nominated by the Chairman in this behalf and in the absence of such nomination, any director elected by the directors present from among themselves at the meeting, shall preside at the meeting.

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(3) All questions which come up before any meeting of the Board shall be decided by a majority of votes of the directors present and voting, and in the event of an equality of votes, the Chairman, or, in his absence, the person presiding, shall have a second or casting vote.

12 Executive Committee and other committees.—(1) The Board may constitute an Executive Committee consisting of such number of directors as may be prescribed.

(2) The Executive Committee shall discharge such functions as may be prescribed, or, as may be delegated to it, by the Board.

(3) The Board may constitute such other committees, whether consisting wholly of directors or wholly of other persons or partly of directors and partly of other persons as it thinks fit for such purposes, as it may decide and any committee so constituted shall discharge such functions as may be delegated to it by the Board.

(4) The Executive Committee or any other committees constituted under this section shall meet at such times and places and shall observe such rules of procedure in regard to transaction of business at its meetings, as may be prescribed.

13. Director of Board or member of committee thereof not to participate in meetings in certain cases.—Any director of the Board or any member of a committee, who has any direct or indirect pecuniary interest in any matter coming up for consideration at a meeting of the Board or a committee thereof, shall, as soon as possible after relevant circumstances have come to his knowledge, disclose the nature of his interest at such meeting and the disclosure shall be recorded in the minutes of the Board, or the committee, as the case may be, and the director or member shall not take any part in any deliberation or decision of the Board or the committee with respect to that matter.

Chapter IV

Business of the National Housing Bank

14. Business of the National Housing Bank.—Subject to the provisions of this Act, the National Housing Bank may transact all or any of the following kinds of business, namely :—

(*a*) promoting, establishing, supporting or aiding in the promotion, establishment and support of housing finance institutions ;

(*b*) making of loans and advances or rendering any other form of financial assistance whatsoever to housing finance institutions and scheduled banks ;

(*c*) subscribing to or purchasing stocks, shares, bonds, debentures and securities of every other description ;

(*d*) guaranteeing the financial obligations of housing finance institutions and underwriting the issue of stocks, shares, bonds, debentures and securities of every other description of housing finance institutions ;

(*e*) drawing, accepting, discounting or rediscounting, buying or selling and dealing in bills of exchange, promissory notes, bonds, debentures, hundies, coupons and other instruments by whatever name called ;

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(*f*) forming, promoting and managing subsidiaries for carrying out all or any of its functions under this Act ;

(*g*) undertaking research and surveys on construction techniques and other studies relating to or connected with shelter, housing and human settlement ;

(*h*) formulating one or more schemes, for the purpose of mobilisation of resources and extension of credit for housing ,

(*i*) formulating one or more schemes, for the economically weaker sections of society which may be subsidised by the Central Government or any State Government or any other source ;

(*j*) organising training programmes, seminars and symposia on matters relating to housing ;

(*k*) providing guidelines to the housing finance institutions to ensure their growth on sound lines ;

(*l*) providing technical and administrative assistance to housing finance institutions ;

(*m*) co-ordinating with the Life Insurance Corporation of India, the Unit Trust of India, the General Insurance Corporation of India and other financial institutions, in the discharge of its overall functions ;

(*n*) exercising all powers and functions in the performance of duties entrusted to the National Housing Bank under this Act or under any other law for the time being in force ;

(*o*) acting as agent of the Central Government, the State Government or the Reserve Bank or of any authority as may be authorised by the Reserve Bank ;

(*p*) any other kind of business which the Central Government may, on the recommendation of the Reserve Bank, authorise ;

(*q*) generally, doing of all such matters and things as may be incidental to or consequential upon the exercise of its powers or the discharge of its duties under this Act.

15. Borrowings and acceptance of deposits by National Housing Bank.—(1) The National Housing Bank may, for the purpose of carrying out its functions under this Act—

(*a*) issue and sell bonds and debentures with or without the guarantee of the Central Government, in such manner and on such terms as may be prescribed ;

(*b*) borrow money from the Central Government and from any other authority or organisation or institution approved by that Government on such terms and conditions as may be agreed upon ;

(*c*) accept deposits repayable after the expiry of a period which shall not be less than twelve months from the date of the making of the deposit on such terms as may generally or specially be approved by the Reserve Bank ;

(*d*) borrow money from the Reserve Bank—

(*i*) repayable on demand or on the expiry of fixed periods not exceeding eighteen months from the date of the making of loan or advance, on such terms and conditions including the

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terms relating to security and purpose as may be specified by the Reserve Bank;

(*ii*) out of the National Housing Credit (Long Term Operations) Fund established under Section 46-D of the Reserve Bank of India Act, 1934 (2 of 1934) or any of the purposes specified in that section;

(*e*) receive for services rendered, such remuneration, commission, commitment charges, consultancy charges, service charges, royalties, premia, licence fees and any other consideration of whatever description;

(*f*) receive gifts, grants, donations or benefactions from Government or any other source.

(2) The Central Government may, on a request being made to it by the National Housing Bank, guarantee the bonds and debentures issued by the National Housing Bank as to the repayment of principal and the payment of interest at such rate as may be fixed by that Government.

NOTES

It is settled law that the relationship between a banker and a customer qua moneys deposited in the bank is that of debtor and creditor. Ordinarily a deposit of an amount in the current account of a bank creates a debt but it does not necessarily involve a contract of loan. Whether a deposit amounts to a loan depends upon the terms of the contract under which the deposit is made. *Ram Ratan* v. *Director of Enforcement*, (1966) 1 SCR 651 : AIR 1966 SC 495.

A banker is entrusted by its customer with the collection of a cheque is bound to act according to the directions given by the customer, and in the absence of such directions, according to the usages prevailing at the place where the banker conducts his business. The Banker is also bound to use reasonable skill and diligence in presenting and securing payment of the cheque and placing the proceeds to his customer's accounts and in taking such other steps as may be proper to secure the customer's interest. *Kesharichand* v. *Shillong Banking Corporation*, (1965) 3 SCR 110 : AIR 1965 SC 1711.

16. Loans in foreign currency.—(1) Notwithstanding anything contained in the Foreign Exchange Regulation Act, 1973 (46 of 1973) or in any other law for the time being in force relating to foreign exchange, the National Housing Bank may, for the purpose of making loans and advances under this Act, borrow in such manner and on such conditions as may be prescribed in consultation with the Reserve Bank and with the previous approval of the Central Government, foreign currency from any bank or financial institution in India or elsewhere.

(2) The Central Government may, where necessary, guarantee any loan taken by the National Housing Bank under sub-section (1) or any part thereof as to the repayment of principal and the payment of interest and other incidental charges.

17. Power to transfer rights.—The rights and interests of the National Housing Bank (including any other rights incidental thereto) in relation to any loan or advance made, or any amount recoverable, by it, may be transferred by the National Housing Bank, either in whole or in part, by the execution or issue of any instrument or by the transfer of any instrument by endorsement, or in any other manner in which the rights and interests in relation to such loan or advance may be lawfully transferred, and the National Housing Bank may, notwithstanding such transfer, act as the trustee within the meaning of Section 3 of the Indian Trusts Act, 1882 (2 of 1882), for the transferee.

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18. Power to acquire rights.—The National Housing Bank shall have the right to acquire, by transfer or assignment, the rights and interests of any housing finance institution (including any other rights incidental thereto) in relation to any loan or advance made, or any amount recoverable by such institution, either in whole or in part, by the execution or issue of any instrument or by the transfer of any instrument or in any other manner in which the rights and interests in relation to such loan or advance may be lawfully transferred.

19. Power to impose conditions for accommodation.—In entering into any transaction under this Chapter with any borrowing housing finance institution, the National Housing Bank may impose such conditions as it may think necessary or expedient for protecting the interests of the National Housing Bank.

20. Power to call for repayment before agreed period.—Notwithstanding anything to the contrary contained in any agreement, the National Housing Bank may, by notice in writing, require any borrowing housing finance institution to discharge forthwith in full its liabilities to the National Housing Bank—

(*a*) if it appears to the Board that false or misleading information in any material particular was given in the application for the loan or advance; or

(*b*) if the borrowing housing finance institution has failed to comply with any of the terms of the agreement with the National Housing Bank in the matter of the loan or advance; or

(*c*) if there is a reasonable apprehension that the borrowing housing finance institution is unable to pay its debts or that proceedings for liquidation may be commenced in respect thereof; or

(*d*) if for any reason, it is necessary so to do to protect the interests of the National Housing Bank.

21. National Housing Bank to have access to records.—(1) The National Housing Bank shall have free access to all such records of any housing finance institution which seeks to avail of any credit facilities from the National Housing Bank and to all such records of any person who seeks to avail of any credit facilities from such housing finance institution, the perusal of which may appear to the National Housing Bank to be necessary in connection with the providing of finance or other assistance to such housing finance institution or the refinancing of any loan or advance made to such person by that housing finance institution.

(2) The National Housing Bank may require any institution or person referred to in sub-section (1), to furnish to it copies of any of the records referred to in that sub-section and the institution or the person, as the case may be, shall be bound to comply with such requisition.

22. Validity of loan or advance not to be questioned.—Notwithstanding anything to the contrary contained in any other law for the time being in force, the validity of any loan or advance made by the National Housing Bank in pursuance of the provisions of this Act shall not be called in question merely on the ground of non-compliance with the requirements of such other law or of any resolution, contract, or any instrument regulating the constitution of the borrowing housing finance institution:

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Provided that nothing in this section shall enable any company or co-operative society to obtain any loan or advance where the instrument relating to the constitution of such company or co-operative society does not empower such company or co-operative society so to do.

23. National Housing Bank not to make loans or advances against its own bonds or debentures.—The National Housing Bank shall not make any loan or advance on the security of its own bonds or debentures.

24. Power to inspect.—(1) The National Housing Bank may at any time and shall, on being directed so to do by the Reserve Bank, cause an inspection to be made by one or more of its officers of any housing finance institution to which the National Housing Bank has made any loan or advance or granted any other financial assistance, and its books, accounts and other documents; and the National Housing Bank shall supply to the housing finance institution a copy of its report on such inspection.

(2) It shall be the duty of every officer, employee or other person or persons incharge of the whole or part of the affairs of the housing finance institution to produce to any officer making an inspection under sub-section (1), all such books, accounts and other documents in his custody or power and to furnish within such time as the said officer may specify, any statements, information relating to the affairs of the housing finance institution as the said officer may require of him.

25. Power to collect credit information.—(1) The National Housing Bank may, for the purpose of the efficient discharge of its functions under this Act, at any time direct any housing finance institution to submit to it credit information in such form and within such time as may be specified by the National Housing Bank from time to time.

(2) Every housing finance institution shall, notwithstanding anything to the contrary contained in any law for the time being in force or in any instrument regulating the constitution thereof or in any agreement executed by it, relating to the secrecy of its dealings with its constituents, be bound to comply with any directions issued under sub-section (1).

(3) The National Housing Bank may, for the purpose of the efficient discharge of its functions under this Act collect from the Central and State Governments, local authorities, the Reserve Bank, any bank or such financial or other institutions as the Reserve Bank may specify in this behalf, credit information or other information.

Explanation.—For the purposes of this section and Section 26, credit information means any information relating to—

(*i*) the amount of loans and advances and other credit facilities granted for the purpose of housing;

(*ii*) the nature of security taken for such loans, advances or other credit facilities;

(*iii*) the guarantees furnished; and

(*iv*) any other information which has a bearing on the credit-worthiness of the borrower.

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26. Power to publish information.—The National Housing Bank, if it considers it in the public interest so to do, may publish any credit information or other information obtained by it under this Act, in such consolidated form or in any other form as it thinks fit.

27. Advisory services.—The National Housing Bank may provide advisory services to the Central and State Governments, local authorities and other agencies connected with housing, in respect of—

(*a*) formulation of overall policies aimed at promoting the growth of housing and housing finance institutions;

(*b*) legislation relating to matters having a bearing on shelter, housing and human settlement.

CHAPTER V

Provisions relating to housing finance institutions receiving deposits

28. Definitions of deposit.—In this Chapter the term 'deposit' shall have the meaning assigned to it in Section 45-I of the Reserve Bank of India Act, 1934 (2 of 1934).

29. Chapter not to apply in certain cases.—(1) The provisions of this Chapter shall not apply to deposits accepted by a housing finance institution which is a firm or an unincorporated association of individuals.

(2) For the removal of doubts, it is hereby declared that the firms and unincorporated associations of individuals referred to in sub-section (1) shall continue to be governed by the provisions of Chapter III-C of the Reserve Bank of India Act, 1934 (2 of 1934).

30. National Housing Bank to regulate or prohibit issue of prospectus or advertisement soliciting deposits of money.—The National Housing Bank may, if it considers necessary in the public interest so to do, by general or special order,—

(*a*) regulate or prohibit the issue by any housing finance institution of any prospectus or advertisement soliciting deposits of money from the public; and

(*b*) specify the conditions subject to which any such prospectus or advertisement, if not prohibited, may be issued.

31. Power of National Housing Bank to collect information from housing finance institutions as to deposits and to give directions.—(1) The National Housing Bank may at any time direct that every housing finance institution accepting deposits shall furnish to the National Housing Bank in such form, at such intervals and within such time, such statements, information or particulars relating to or connected with deposits received by the housing finance institution, as may be specified by the National Housing Bank by general or special order.

(2) Without prejudice to the generality of the power vested in the National Housing Bank under sub-section (1), the statements, information or particulars to be furnished under sub-section (1), may relate to all or any of the following matters, namely, the amount of the deposits, the purposes and periods for which, and the rates of interest and other terms and conditions on which, such deposits are received.

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(3) The National Housing Bank may, if it considers necessary in the public interest so to do, give directions to housing finance institutions accepting deposits either generally or to any group of housing finance institutions accepting deposits, and in particular, in respect of any matters relating to, or connected with, the receipt of deposits, including the rates of interest payable on such deposits, and the periods for which deposits may be received.

(4) If any housing finance institution, accepting deposits fails to comply with any direction given by the National Housing Bank, under sub-section (3), the National Housing Bank may prohibit the acceptance of deposits by that housing finance institution.

(5) Every housing finance institution receiving deposits, shall, if so required by the National Housing Bank and within such time as the National Housing Bank may specify, cause to be sent at the cost of the housing finance institution, a copy of its annual balance-sheet and profit and loss account or other annual accounts to every person from whom the housing finance institution holds, as on the last day of the year to which the accounts relate, deposits higher than such sum as may be specified by the National Housing Bank.

32. Duty of housing finance institutions to furnish statements, etc., required by National Housing Bank.—Every housing finance institution shall furnish the statements, information or particulars called for, in such form as may be prescribed and to comply with any direction given to it, under the provisions of this Chapter.

33. Powers and duties of auditors.—(1) The auditor of every housing finance institution shall enquire whether or not the housing finance institution has furnished to the National Housing Bank such statements, information or particulars relating to or connected with deposits received by it, as are required to be furnished under this Chapter, and the auditor shall, except where he is satisfied on such enquiry that the housing finance institution has furnished such statements, information or particulars, make a report to the National Housing Bank giving the aggregate amount of such deposits held by the housing finance institution.

(2) Where, in the case of a housing finance institution, being a company, the auditor has made, or intends to make a report to the National Housing Bank under sub-section (1), he shall include in his report under sub-section (2) of Section 227 of the Companies Act, 1956 (1 of 1956), the contents of the report which he has made, or intends to make, to the National Housing Bank.

34. Inspection.—(1) The National Housing Bank may, at any time, cause an inspection to be made by one or more of its officers or employees or other persons (hereafter in this section referred to as the inspecting authority) of any housing finance institution accepting deposits, for the purpose of verifying the correctness or completeness of any statement, information or particulars furnished to the National Housing Bank or for the purpose of obtaining any information or particulars which the housing finance institution has failed to furnish on being called upon to do so.

(2) It shall be the duty of every director or member of any committee or other body or any person for the time being vested with the management of the whole or part of the affairs of every housing finance institution accepting

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deposits or other officer or employee thereof to produce to the inspecting authority all such books, accounts and other documents in his custody or power and to furnish that authority with any statement and information relating to the business of the institution as that authority may require of him, within such time as may be specified by that authority.

(3) The inspecting authority may examine on oath any director or member of any committee or body or any other person for the time being vested with the management of the affairs of the housing finance institution, accepting deposits, or any officer or employee thereof, in relation to its business.

35. Deposits not to be solicited by unauthorised persons.—No person shall solicit on behalf of any housing finance institution either by publishing or causing to be published any prospectus or advertisement or in any other manner deposits of money from the public unless—

(*a*) he has been authorised in writing by the said housing finance institution to do so and specifies the name of the institution which has so authorised him ; and

(*b*) the prospectus or advertisement complies with any order made by the National Housing Bank under Section 30 and with any other provision of law for the time being in force applicable to the publication of such prospectus or advertisement.

36. Chapter V to override other laws.—The provisions of this Chapter shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any instrument having effect by virtue of any such law.

CHAPTER VI

Funds, accounts and audit

37. General Fund and other funds.—(1) With effect from such date as the Reserve Bank may specify, the National Housing Bank shall establish a fund to be called the General Fund and all payments by the National Housing Bank shall be made out of the said General Fund.

(2) The Board may, and shall, if so directed by the Reserve Bank, create a special fund or a reserve fund or such other funds as may be prescribed.

38. Preparation of balance-sheet, etc., of National Housing Bank.—(1) The balance sheet and accounts of the National Housing Bank shall be prepared and maintained in such form and manner as may be prescribed.

(2) The Board shall cause the books and accounts of the National Housing Bank to be balanced and closed as on the thirtieth day of June each year.

39. Disposal of surplus.—After making provision for bad and doubtful debts, depreciation of assets and all other matters for which provision is necessary or expedient or which is usually provided for by bankers, the National Housing Bank shall transfer—

(*i*) for a period of fifteen years, following the accounting year during

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which the National Housing Bank is established, the amount remaining (hereafter in this section referred to as surplus) such of the funds referred to in Section 37 as the Reserve Bank may specify; and

(*ii*) after the expiry of the said period of fifteen years, the National Housing Bank shall, after making provision for the funds referred to in Section 37, transfer the balance of surplus to the Reserve Bank;

40. Audit.—(1) The accounts of the National Housing Bank shall be audited by auditors duly qualified to act as auditors under sub-section (1) of Section 226 of the Companies Act, 1956 (1 of 1956), who shall be appointed by the Reserve Bank, for such term and on such remuneration as the Reserve Bank may fix.

(2) The auditors shall be supplied with a copy of the annual balance sheet of the National Housing Bank and it shall be their duty to examine it together with the accounts and vouchers relating thereto and they shall have a list delivered to them of all books kept by the National Housing Bank and shall at all reasonable times have access to the books, accounts, vouchers and other documents of the National Housing Bank.

(3) The auditors may, in relation to the accounts of the National Housing Bank, examine any director of the Board or any officer or other employee of the National Housing Bank and shall be entitled to require from the Board or officers or other employees of the National Housing Bank such information and explanation as they may think necessary for the performance of their duties.

(4) The auditors shall make a report to the National Housing Bank upon the annual balance sheet and accounts examined by them and in every such report, they shall state whether in their opinion the balance sheet is a full and fair balance sheet containing all necessary particulars and properly drawn up so as to exhibit a true and fair view of the state of affairs of the National Housing Bank and in case they had called for any explanation or information from the Board or any officer or other employee of the National Housing Bank, whether it was given and whether it was satisfactory.

(5) The National Housing Bank shall furnish to the Central Government and the Reserve Bank within three months from the date on which the annual accounts of the National Housing Bank are closed and balanced, a copy of its balance sheet as on the close of the relevant year together with a copy of the profit and loss account for the year and a copy of the auditors' report and a report of the working of the National Housing Bank during that year, and the Central Government shall, as soon as may be after they are received by it, cause the same to be laid before each House of Parliament.

(6) Without prejudice to anything contained in the preceding sub-sections, the Central Government may, at any time, appoint the Comptroller and Auditor-General of India to examine and report upon the accounts of the National Housing Bank and any expenditure incurred by him in connection with such examination and report shall be payable by the National Housing Bank to the Comptroller and Auditor-General of India.

41. Returns.—The National Housing Bank shall furnish, from time to time, to the Reserve Bank such information and returns as the Reserve Bank may require.

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42. Annual report on housing.—The National Housing Bank shall make an annual report to the Central Government and the Reserve Bank on the trend and progress of housing in the country and in that report may make such suggestions as it may think necessary or expedient for the development of housing and the Central Government shall, as soon as may be after the report is received by it, cause the same to be laid before each House of Parliament.

CHAPTER VII

Miscellaneous

43. Staff of National Housing Bank.—(1) The National Housing Bank may appoint such number of officers and other employees as it considers necessary or desirable for the efficient performance of its functions and determine the terms and conditions of their appointment and service.

(2) The duties and conduct, terms and conditions of service and the establishment and maintenance of provident fund or any other fund for the benefit of the officers and other members of staff of the National Housing Bank shall be such as may be prescribed.

(3) The National Housing Bank may depute any officer or any member of its staff for such period and on such terms and conditions as it may determine, to any institution including a housing finance institution.

(4) Nothing contained in this section shall empower the National Housing Bank to depute any officer or member of its staff to any institution on any salary, emoluments or other terms and conditions which is or are less favourable to him than that or those to which he is entitled to immediately before such deputation.

(5) The National Housing Bank may, without prejudice to the provisions of Section 54-AA of the Reserve Bank of India Act, 1934 (2 of 1934), receive or take on deputation any officer or other employee from any institution including a housing finance institution for such period and on such terms and conditions as it may think necessary in the interest of the National Housing Bank.

44. Obligation as to fidelity and secrecy.—(1) The National Housing Bank shall not, except as otherwise required by this Act or any other law, divulge any information relating to, or to the affairs of, its constituents except in circumstances in which it is, in accordance with the law or practice and usage customary among bankers, necessary or appropriate for the National Housing Bank to divulge such information.

(2) Every director, member of a committee, auditor, advisor, officer or other employee of the National Housing Bank or of the Reserve Bank, whose services are utilised by the National Housing Bank under the provisions of this Act, shall, before entering upon his duties, make a declaration of fidelity and secrecy in the form set out in the First Schedule to this Act.

45. Defects in appointment not to invalidate acts, etc.—(1) No act or proceeding of the Board or of any committee of the National Housing Bank shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Board or the committee, as the case may be.

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(2) No act done by any person acting in good faith as a director of the Board or as a member of a committee of the National Housing Bank shall become invalid merely on the ground that he was disqualified to be a director or that there was any other defect in his appointment.

46. Protection of action taken under the Act.—No suit or other legal proceeding shall lie against the National Housing Bank or any director or any officer or other employee of the National Housing Bank or any other person authorised by the National Housing Bank to discharge any functions under this Act for any loss or damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or of any other law or provision having the force of law.

47. Indemnity of directors.—(1) Every director shall be indemnified by the National Housing Bank against all losses and expenses incurred by him in, or in relation to, the discharge of his duties, except such as are caused by his own wilful act or default.

(2) A director shall not be responsible for any other director or for any officer or other employee of the National Housing Bank or for any loss or expenses resulting to the National Housing Bank from the insufficiency or deficiency of the value of, or title to, any property or security acquired or taken on behalf of the National Housing Bank or the insolvency or wrongful act of any debtor or any person under obligation to the National Housing Bank or anything done in good faith in the execution of the duties of his office in relation thereto.

48. Exemption from tax on income.—Notwithstanding anything contained in the Income-tax Act, 1961 (43 of 1961), or any other enactment for the time being in force relating to tax on income, profits or gains, the National Housing Bank shall not be liable to pay income-tax or any other tax in respect of its income, profits or gains derived.

49. Penalties.—(1) Whoever in any return, balance sheet, or other document or in any information required or furnished by or under or for the purposes of any provision of this Act, wilfully makes a statement which is false in any material particular, knowing it to be false, or wilfully omits to make a material statement, shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

(2) If any person fails to produce any book, account or other document, or to furnish any statement or information which, under the provisions of this Act, it is his duty to produce or furnish, he shall be punishable with fine which may extend to two thousand rupees in respect of each offence and in the case of a continuing failure, with an additional fine which may extend to one hundred rupees for every day during which the failure continues after conviction for the first such failure.

(3) If any person—

(*a*) receives any deposit in contravention of any direction given or order made under Chapter V ; or

(*b*) issues and prospectus or advertisement otherwise than in accordance with Section 35 or any order made under Section 30, as the case may be ;

he shall be punishable with imprisonment for a term which may extend to

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three years and shall also be liable to fine which may extend,—

(*i*) in the case of a contravention falling under clause (*a*), to twice the amount of deposit received; and

(*ii*) in the case of a contravention falling under clause (*b*), to twice the amount of the deposit called for by the prospectus or advertisement.

(4) If any other provision of this Act is contravened or if any default is made in complying with any other requirement of this Act, or of any order, regulation or direction made or given or condition imposed thereunder, any person guilty of such contravention or default shall be punishable with fine which may extend to two thousand rupees and where a contravention or default is a continuing one with further fine which may extend to one hundred rupees for every day, after the first, during which the contravention or default continues.

50. Offences by Companies.—(1) Where an offence has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section—

(*a*) "company" means any body corporate and includes a firm or other association of individuals; and

(*b*) "director", in relation to a firm, means a partner in the firm.

NOTES

Offence committed by society or company.—Natural persons are made vicariously liable for an offence when it is established that the offence was committed by a company and these persons had some means with the crime either because of their connivance with or due to their criminal negligence which had resulted in its commission. *Municipal Corporation, Delhi* v. *Bhagwan Dass*, 1972 Cri LJ 1433; See also *Municipal Corporation, Delhi* v. *Deepak Kumar*, 1974 FAC 496.

Every person in charge of conducting the affairs of the company at the time the offence under Prevention of Food Adulteration Act, 1954, was committed will be liable and it is not incumbent that the company and the partners should be prosecuted as a condition precedent to the prosecution of the person in charge. *Public Prosecutor* v. *Boggarapu Pullaiah*, 1974 Cri LJ 155. A different view was taken by the Madras High Court in *B. K. Verma* v. *Corporation of Madras*, AIR 1971 Mad 40: 1971 Cri LJ 60.

Where a company has been acquitted whatever the reasons for the acquittal may be, it is not possible to deem any person to be guilty of the offence because of his being in charge of the business of the company. *Municipal Corporation, Delhi* v. *Krishan Chand*, 1975 FAC 374.

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Punished accordingly.—Section 50 is similar to Section 34(2) of Drugs and Cosmetics Act, 1940. The words "punished accordingly" in Section 34(2) in the context mean that a person deemed to be guilty of an offence committed by a company shall receive the punishment that is prescribed by the Act for that offence. These words do not suggest that the persons mentioned therein can be punished only in the same way as a company would be punishable, that is, only with a fine and not with imprisonment. *Rajasthan Pharmaceutical Lab.* v. *State of Karnataka*, (1981) 1 SCC 645.

51. Cognizance of offences.—(1) No court shall take cognizance of any offence punishable under this Act except upon a complaint in writing made by an officer of the National Housing Bank, generally or specially authorised in writing in this behalf by the National Housing Bank, and no court other than that of a Metropolitan Magistrate or a Judicial Magistrate of the first class or a court superior thereto shall try any such offence.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), a Magistrate may, if he sees reason so to do, dispense with the personal attendance of the officer of the National Housing Bank filing the complaint but the Magistrate may in his discretion, at any stage of the proceedings, direct the personal attendance of the complainant.

52. Application of fine.—A court imposing any fine under this Act may direct that the whole or any part thereof shall be applied in, or towards payment of, the cost of the proceedings.

53. Bankers' Books Evidence Act 18 of 1891, to apply in relation to National Housing Bank.— The Bankers' Books Evidence Act, 1891, shall apply in relation to the National Housing Bank as if it were a bank as defined in Section 2 of that Act.

54. Liquidation of National Housing Bank.—No provision of law relating to the winding up of companies shall apply to the National Housing Bank and the National Housing Bank shall not be placed in liquidation save by order of the Central Government and in such manner as it may direct.

55. Power of the Board to make regulations.—(1) The Board may, with the previous approval of the Reserve Bank and in consultation with the Central Government, by notification, make regulations not inconsistent with this Act to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely :—

(*a*) the fees and allowances that may be paid to the directors for attending the meetings of the Board or its committees under sub-section (5) of Section 7 ;

(*b*) the times and places at which the Board may meet, and the rules of procedure that may be followed in regard to the transaction of business under sub-section (1) of Section 11 ;

(*c*) the number of members that the Executive Committee may consist, the functions that it may discharge and times and places at which it shall meet and the rules of procedure that it may follow in the transaction of business under Section 12 ;

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(*d*) the manner and terms of issue and redemption of bonds and debentures under clause (*a*) of sub-section (1) of Section 15 ;

(*e*) the manner in which and the conditions subject to which the National Housing Bank may borrow in foreign currency under sub-section (1) of Section 16 ;

(*f*) the form in which the statements, information, etc., is to be furnished under Section 32 ;

(*g*) the special fund, reserve fund and other funds to be created under sub-section (2) of Section 37 ;

(*h*) the form and manner in which the balance sheet and accounts shall be prepared and maintained under sub-section (1) of Section 38 ;

(*i*) the duties and conduct, salaries, allowances and conditions of service of the officers and other members of staff of the National Housing Bank under Section 43 ;

(*j*) the establishment and maintenance of provident fund and any other fund for the benefit of officers and other members of staff of the National Housing Bank under Section 43 ; and

(*k*) any other matter which is to be, or may be, prescribed.

(3) Any regulation which may be made by the Board under this Act may be made by the Reserve Bank, in consultation with the Central Government, before the expiry of three months from the date of establishment of the National Housing Bank, and any regulation so made may be altered and rescinded by the Board in the exercise of its powers under this Act.

(4) The power to make regulations conferred by this section shall include the power to give retrospective effect to the regulations or any of them from a date not earlier than the date of commencement of this Act, but no retrospective effect shall be given to any regulation so as to prejudicially affect the interests of any person to whom such regulation may be applicable.

(5) The Central Government shall cause every regulation made under this Act to be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation.

56. Amendment of certain enactments.—The enactments specified in the Second Schedule to this Act shall be amended in the manner provided therein and unless otherwise provided in that Schedule, such amendments shall take effect on and from the date of establishment of the National Housing Bank under Section 3.

57. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty :

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Provided that no such order shall be made after the expiry of a period of three years from the commencement of this Act.

The First Schedule

[*See* Section 44(2)]

DECLARATION OF FIDELITY AND SECRECY

I,.....do hereby declare that I will faithfully, truly and to the best of my skill and ability execute and perform the duties required of me as director, member of the..... committee, auditor, advisor, officer or other employee (as the case may be) of the National Housing Bank and which properly relate to the office or position held by me in or in relation to the said National Housing Bank.

I further declare that I will not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the affairs of the National Housing Bank nor will I allow any such person to inspect or have access to any books or documents belonging to or in the possession of the National Housing Bank and relating to the business of the said National Housing Bank or the business of any person having any dealing with the said National Housing Bank.

Signed before me. (*Signature*)

The Second Schedule

(*See* Section 56)

AMENDMENTS TO CERTAIN ENACTMENTS

PART I

Amendments to the Reserve Bank of India Act, 1934 (2 of 1934)

AMENDMENTS

1. In Section 2, after clause (*ccc*), the following clause shall be *inserted*, namely:—

"(*cccc*) 'National Housing Bank' means the National Housing Bank established under Section 3 of the National Housing Bank Act, 1987;".

2. In Section 17,—

(*i*) after clause (4-D), the following clause shall be *inserted*, namely:—

"(4-DD) the making to the National Housing Bank of loans and advances and generally assisting the National Housing Bank in such manner and on such terms as may be determined by the Central Board;";

(*ii*) after clause (4-G), the following clause shall be *inserted*, namely:—

"(4-GG) the making of loans and advances to, and the purchasing of bonds and debentures of, the National Housing Bank out of the National Housing Credit (Long Term Operations) Fund established under Section 46-D;";

(*iii*) after clause (8-A), the following clause shall be *inserted*, namely:—

"(8-AA) the promoting, establishing, supporting or aiding in the promotion, establishment and support of any financial institution, whether as its subsidiary or otherwise;".

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3. In the Explanation to sub-section (1) of Section 42, in sub-clause (*ii*) of clause (*c*), after the words "or from the Reconstruction Bank", the words "or from the National Housing Bank" shall be *inserted*.

4. After Section 46-C, the following section shall be *inserted*, namely :—

"46-D. *National Housing credit (Long Term operations) Fund.*—(1) The Bank shall establish and maintain a Fund to be known as the National Housing Credit (Long Term Operations) Fund to which shall be credited every year such sums of money as it may consider necessary.

(2) The amount in the said Fund shall be applied by the Bank only to the following objects, namely :—

(*a*) the making to the National Housing Bank of loans and advances for the purpose of any business of the National Housing Bank ;

(*b*) the purchasing of bonds and debentures issued by the National Housing Bank.".

PART II

Amendments to the Banking Regulation Act, 1949 (10 of 1949)

AMENDMENTS

1. In Section 5, after clause (*ffc*), the following clause shall be *inserted*, namely :—

'(*ffd*) "National Housing Bank" means the National Housing Bank established under Section 3 of the National Housing Bank Act, 1987 ;'.

2. In sub-section (1) of Section 18, in the *Explanation*, in sub-clause (*ii*) of clause (*a*), after the words "or from the Reconstruction Bank", the words "or from the National Housing Bank" shall be *inserted*.

3. In Section 34-A, in sub-section (3), after the words "the Reconstruction Bank", the words "the National Housing Bank" shall be *inserted*.

4. In Section 36-AD, in sub-section (3), after the words "the Reconstruction Bank", the words "the National Housing Bank" shall be *inserted*.

5. In Section 56, under clause (*j*), in the Explanation, in sub-clause (*ii*) of clause (*a*), after the words "the Reconstruction Bank", the words "the National Housing Bank" shall be *inserted*.

PART III

Amendment to the Industrial Disputes Act, 1947 (14 of 1947)

AMENDMENT

In Section 2, in clause (*a*), in sub-clause (*i*), after the words "the Industrial Reconstruction Bank of India", the words and figures "the National Housing Bank established under Section 4 of the National Housing Bank Act, 1987" shall be *inserted*.

PART IV

Amendment to the Payment of Bonus Act, 1965 (21 of 1965)

AMENDMENT

In Section 32, after sub-clause (*f*) of clause (*ix*), the following sub-clause shall be *inserted*, namely :—

"(*ff*) the National Housing Bank ;".

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THE COMMISSION OF SATI (PREVENTION) ACT, 1987[1]

[No. 3 OF 1988]

[*3rd January, 1988*]

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An Act to provide for the more effective prevention of the commission of sati and its glorification and for matters connected herewith or incidental thereto

Whereas *sati* or the burning or burying alive of widows or women is revolting to the feelings of human nature and is nowhere enjoined by any of the religions of India as an imperative duty;

And whereas it is necessary to take more effective measures to prevent the commission of *sati* and and its glorification;

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

PART I

Preliminary

1. Short title, extent and commencement.—(1) This Act may be called the Commission of Sati (Prevention) Act, 1987.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

1. Received the assent of the President on January 3, 1988 and published in the Gazette of India, Extra., Part II, Section 1, dated 6th January, 1988, pp. 1-7 [C]

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(3) It shall come into force in a State on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different States.

2. **Definitions.**—(1) In this Act, unless the context otherwise requires,—

(*a*) "Code" means the Code of Criminal Procedure, 1973 (2 of 1974) ;

(*b*) "glorification", in relation to *sati*, whether such *sati*, was committed before or after the commencement of this Act, includes, among other things,—

(*i*) the observance of any ceremony or the taking out of a procession in connection with the commission of *sati* ; or

(*ii*) the supporting, justifying or propagating the practice of *sati* in any manner ; or

(*iii*) the arranging of any function to eulogise the person who has committed *sati*, or

(*iv*) the creation of a trust, or the collection of funds, or the construction of a temple or other structure or the carrying on of any form of worship or the performance of any ceremony thereat, with a view to perpetuate the honour of, or to preserve the memory of, a person who has committed *sati* ;

(*c*) "*sati*" means the burning or burying alive of—

(*i*) any widow along with the body of her deceased husband or any other relative or with any article, object or thing associated with the husband or such relative ; or

(*ii*) any woman along with the body of any of her relatives, irrespective of whether such burning or burying is claimed to be voluntary on the part of the widow or the woman or otherwise ;

(*d*) "Special Court" means a Special Court constituted under Section 9 ;

(*e*) "temple" includes any building or other structure, whether roofed or not, constructed or made to preserve the memory of a person in respect of whom *sati* has been committed or used or intended to be used for the carrying on of any form of worship or for the observance of any ceremony in connection with such commission.

(2) Words and expressions used but not defined in this Act and defined in the Indian Penal Code (45 of 1860), or in the Code shall have the same meanings as are respectively assigned to them in the Indian Penal Code or the Code.

PART II

Punishments for offences relating to sati

3. **Attempt to commit sati.**—Notwithstanding anything contained

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in the Indian Penal Code (45 of 1860), whoever attempts to commit *sati* and does any act towards such commission shall be punishable with imprisonment for a term which may extend to one year or with fine or with both :

Provided that the Special Court trying an offence under this section shall, before convicting any person, take into consideration the circumstances leading to the commission of the offence, the act committed, the state of mind of the person charged of the offence at the time of the commission of the act and all other relevant factors.

NOTES

Attempt—What constitutes—Compared with preparation.

In order to constitute 'an attempt' first, there must be an intention to commit a particular offence, second, some act must have been done which would necessarily have to be done towards the commission of the offence, and, third, such act must be proximate to the intended result. The measure of opportunity is not in relation to time and action but in relation to intention. In other words, the act must reveal, with reasonable certainty, in conjuction with other facts and circumstances and not necessarily in isolation, an intention, as distinguished from a mere desire or object to commit the particular offence, though the act by itself may be merely suggestive or indicative of such intention, but that it must be, that is, it must be indicative or suggestive of the intention. *State of Maharasthra* v. *Mohd. Yakub*, (1980) 3 SCC 57 : 1980 SCC (Cri) 513 :

Malkiat Singh v. *State of Punjab*, (1969) 1 SCC 157 : (1969) 2 SCR 663, 667 : 1970 Cri LJ 750, *limited*.

4. Abetment of sati.—(1) Notwithstanding anything contained in the Indian Penal Code (45 of 1860), if any person commits *sati*, whoever abets the commission of such *sati*, either directly or indirectly, shall be punishable with death or imprisonment for life and also be liable to fine.

(2) If any person attempts to commit *sati*, whoever abets such attempt, either directly or indirectly, shall be punishable with imprisonment for life and shall also be liable to fine.

Explanation.—For the purposes of this section, any of the following acts or the like shall also be deemed to be an abetment, namely.—

(*a*) any inducement to a widow or woman to get her burnt or buried alive along with the body of her deceased husband or with any other relative or with any article, object or thing associated with the husband or such relative, irrespective of whether she is in a fit state of mind or is labouring under a state of intoxication or stupefaction or other cause impeding the exercise of her free will ;

(*b*) making a widow or woman believe that the commission of *sati* would result in some spiritual benefit to her or her deceased husband or relative or the general well being of the family ;

(*c*) encouraging a widow or woman to remain fixed in her resolve to commit *sati* and thus instigating her to commit *sati* ;

(*d*) participating in any procession in connection with the commission of *sati* or aiding the widow or woman in her decision to commit *sati* by taking her along with the body of her deceased husband or relative to the cremation or burial ground ;

(*e*) being present at the place where *sati* is committed as an active participant to such commission or to any ceremony connected with it ;

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(*f*) preventing or obstructing the widow or woman from saving herself from being burnt or buried alive;

(*g*) obstructing, or interfering with, the police in the discharge of its duties of taking any steps to prevent the commission of *sati*.

NOTES

Abetment

In order to constitute abetment the abetter must be shown to have "intentionally" aided the commission of the crime. Mere proof that the crime charged could not have been committed without the interposition of the alleged abettor is not enough compliance with the requirements of S. 107. It is not enough that an act on the part of the alleged abettor happens to facilitate the commission of the crime. Intentional aiding and active complicity is the gist of the offence of abetment under the third paragraph of S. 107. *Shri Ram* v. *State of U.P.*, (1985) 3 SCC 495 : 1975 SCC (Cri) 87.

5. Punishment for glorification of sati.—Whoever does any act for the glorification of *sati* shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to seven years and with fine which shall not be less than five thousand rupees but which may extend to thirty thousand rupees.

PART III

Powers of Collector or District Magistrate to prevent offences relating to sati

6. Power to prohibit certain acts.—(1) Where the Collector or the District Magistrate is of the opinion that *sati* or any abetment thereof is being, or is about to be committed, he may, by order, prohibit the doing of any act towards the commission of *sati* by any person in any area or areas specified in the order.

(2) The Collector or the District Magistrate may also, by order, prohibit the glorification in any manner of *sati* by any person in any area or areas specified in the order.

(3) Whoever contravenes any order made under sub-section (1) or sub-section (2) shall, if such contravention is not punishable under any other provision of this Act, be punishable with imprisonment for a term which shall not be less than one year but which may extend to seven years and with fine which shall not be less than five thousand rupees but which may extend to thirty thousand rupees.

7. Power to remove certain temples or other structures.—(1) The State Government may, if it is satisfied that in any temple or other structure which has been in existence for not less than twenty years, any form of worship or the performance of any ceremony is carried on with a view to perpetuate the honour of or to preserve the memory of, any person in respect of whom *sati* has been committed, by order, direct the removal of such temple or other structure.

(2) The Collector or the District Magistrate may, if, he is satisfied that in any temple or other structure, other than that referred to in sub-section (1), any form of worship or the performance of any ceremony is carried on with a view to perpetuate the honour of, or to preserve the memory of, any person in respect of whom *sati* has been committed, by order, direct the removal of such temple or other structure.

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(3) Where any order under sub-section (1) or sub-section (2) is not complied with, the State Government or the Collector or the District Magistrate, as the case may be, shall cause the temple or other structure to be removed through a police officer not below the rank of a Sub-Inspector at the cost of the defaulter.

8. Power to seize certain properties.—(1) Where the Collector or the District Magistrate has reason to believe that any funds or property have been collected or acquired for the purpose of glorification of the commission of any *sati* or which may be found under circumstances which create suspicion of the commission of any offence under this Act, he may seize such funds or property.

(2) Every Collector or District Magistrate acting under sub-section (1) shall report the seizure to the Special Court, if any, constituted to try any offence in relation to which such funds or property were collected or acquired and shall await the orders of such Special Court as to the disposal of the same.

PART IV

Special Courts

9. Trial of offences under this Act.—(1) Notwithstanding anything contained in the Code, all offences under this Act shall be triable only by a Special Court constituted under this section.

(2) The State Government shall, by notification in the Official Gazette, constitute one or more Special Courts for the trial of offences under this Act and every Special Court shall exercise jurisdiction in respect of the whole or such part of the State as may be specified in the notification.

(3) A Special Court shall be presided over by a Judge to be appointed by the State Government with the concurrence of the Chief Justice of the High Court.

(4) A person shall not be qualified for appointment as a Judge of a Special Court unless he is, immediately before such appointment, a Sessions Judge or an Additional Sessions Judge in any State.

10. Special Public Prosecutors.—(1) For every Special Court, the State Government shall appoint a person to be a Special Public Prosecutor.

(2) A person shall be eligible to be appointed as a Special Public Prosecutor under this section only if he had been in practice as an advocate for not less than seven years or has held any post for a period of not less than seven years under the State requiring special knowledge of law.

(3) Every person appointed as a Special Public Prosecutor under this section shall be deemed to be a Public Prosecutor within the meaning of clause (*u*) of Section 2 of the Code and the provisions of the Code shall have effect accordingly.

11. Procedure and powers of Special Courts.—(1) A Special Court may take cognizance of any offence, without the accused being committed to it for trial, upon receiving a complaint of facts which constitute such offence, or upon a police report of such facts.

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(2) Subject to the other provisions of this Act, a Special Court shall, for the purpose of the trial of any offence, have all the powers of a Court of Session and shall try such offence as if it were a Court of Session, so far as may be, in accordance with the procedure prescribed in the Code for trial before a Court of Session.

NOTES

Complaint—Meaning.—The word 'complaint' has a wide meaning since it includes even an oral allegation. It may, therefore, be assumed that no form is prescribed which the complaint must take. It may only be said that there must be an allegation which *prima facie* discloses the commission of an offence with the necessary facts for the Magistrate to take action. (1970) 1 SCC 665 : 1970 SCC (Cri) 263. *See also* (1970) 2 SCC 414 : 1970 SCC (Cri) 469.

12. **Power of Special Court with respect to other offences.**—(1) When trying any offence under this Act, a Special Court may also try any other offence with which the accused may, under the Code, be charged at the same trial if the offence is connected with such other offence.

(2) If, in the course of any trial of any offence under this Act it is found that the accused person has committed any other offence under this Act or under any other law, a Special Court may convict such person also of such other offence and pass any sentence authorised by this Act or such other law for the punishment thereof.

(3) In every inquiry or trial, the proceedings shall be held as expeditiously as possible and, in particular, where the examination of witnesses has begun, the same shall be continued from day to day until all the witnesses in attendance have been examined, and if any Special Court finds the adjournment of the same beyond the following date to be necessary, it shall record its reasons for doing so.

13. **Forfeiture of funds or property.**—Where a person has been convicted of an offence under this Act, the Special Court trying such offence may, if it is considered necessary so to do, declare that any funds or property seized under Section 8 shall stand forfeited to the State.

14. **Appeal.**—(1) Notwithstanding anything contained in the Code, an appeal shall lie as a matter of right from any judgment, sentence or order, not being an interlocutory order, of a Special Court to the High Court both on facts and on law.

(2) Every appeal under this section shall be preferred within a period of thirty days from the date of the judgment, sentence or order appealed from :

Provided that the High Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of thirty days.

PART V

Miscellaneous

15. **Protection of action taken under this Act.**—No suit, prosecution or other legal proceeding shall lie against the State Government or any officer or authority of the State Government for anything which is in good faith done or intended to be done in pursuance of this Act or any rules or orders made under this Act.

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16. Burden of proof.—Where any person is prosecuted of an offence under Section 4, the burden of proving that he had not committed the offence under the said section shall be on him.

17. Obligation of certain persons to report about the commission of offence under this Act.—(1) All officers of Government are hereby required and empowered to assist the police in the execution of the provisions of this Act or any rule or order made thereunder.

(2) All village officers and such other officers as may be specified by the Collector or the District Magistrate in relation to any area and the inhabitants of such area shall, if they have reason to believe or have the knowledge that *sati* is about to be, or has been, committed in the area shall forthwith report such fact to the nearest police station.

(3) Whoever contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment of either description for a term which may extend to two years and shall also be liable to fine.

18. Person convicted of an offence under Section 4 to be disqualified from inheriting certain properties.—A person convicted of an offence under sub-section (1) of Section 4 in relation to the commission of *sati* shall be disqualified from inheriting the property of the person in respect of whom such *sati* has been committed or the property of any other person which he would have been entitled to inherit on the death of the person in respect of whom such *sati* has been committed.

19 Amendment of Act 43 of 1951.—In the Representation of the People Act, 1951,—

(*a*) in Section 8, in sub-section (2), after the proviso, the following proviso shall be *inserted*, namely :—

"Provided further that a person convicted by a Special Court for the contravention of any of the provisions of the Commission of Sati (Prevention) Act, 1987 shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of five years since his release." ;

(*b*) in Section 123, after clause (3-A), the following clause shall be *inserted*, namely :—

"(3-B) The propagation of the practice or the commission of *sati* or its glorification by a candidate or his agent or any other person with the consent of the candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

Explanation.—For the purposes of this clause, "*sati*" and "glorification" in relation to *sati* shall have the meanings respectively assigned to them in the Commission of Sati (Prevention) Act, 1987.".

20. Act to have overriding effect.—The provisions of this Act or any rule or order made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

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21. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

22. Repeal of existing laws.—(1) All laws in force in any State immediately before the commencement of this Act in that State which provide for the prevention or the glorification of *sati* shall, on such commencement, stand repealed.

(2) Notwithstanding such repeal, anything done or any action taken under any law repealed under sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of this Act, and, in particular, any case taken cognizance of by a Special Court under the provisions of any law so repealed and pending before it immediately before the commencement of this Act in that State shall continue to be dealt with by that Special Court after such commencement as if such Special Court had been constituted under Section 9 of this Act.

THE RAILWAY CLAIMS TRIBUNAL ACT, 1987[1]

[No. 54 OF 1987]

[*23rd December, 1987*]

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1. Received the assent of the President on December 23, 1987 and published in the Gazette of India, Extra., Part II, Section 1, dated 28th December, 1987, pp. 1-12 [C]

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An Act to provide for the establishment of a Railway Claims Tribunal for inquiring into and determining claims against a railway administration for loss, destruction, damage, deterioration or non-delivery of animals or goods entrusted to it to be carried by railway or for the refund of fares or freight or for compensation for death or injury to passengers occurring as a result of railway accidents and for matters connected therewith or incidental thereto

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows :—

Prefatory Note—Statement of Objects and Reasons.—The substantive liability of the railway administration for loss, destruction, damage, non-delivery or deterioration of goods entrusted to them for carriage, and for death or injury, or loss, etc., to a passenger in a railway accident involving a passenger train is laid down in the Indian Railways Act, 1890. The consignors/consignees and passengers or their representatives prefer claims for compensation against the railway administration. Those who claim compensation for loss of and damage to booked goods and are not satisfied with the decisions of the railway administration, file suits in the Courts of Law. Claims for compensation for death of, or injury, or loss, etc., to passengers in train accidents are at present settled by Claims Commissioners.

2. As the litigation in the Courts of Law and before the Claims Commissioners is very protracted, it has been decided to set up a specialised Tribunal for speedy adjudication of such claims. The setting up of such a Claims Tribunal with Benches in different parts of the country, and with judicial and technical members, will provide much relief to the rail-users by way of expeditious payment of compensation to the victims of rail-accidents and to those whose goods are lost or damaged in rail transit. The Claims Tribunal will also expedite settlement of disputes regarding refund of fares and freight charges. It will reduce the burden on the various civil courts in the country, thereby giving them more time to decide other cases speedily.

3. The Bill seeks to give effect to the above objectives. The Bill also *inter alia* provides for—

(*a*) the jurisdiction, powers and authority which may be exercised by the Claims Tribunal;

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(*b*) the procedure (including provision as to limitation) to be followed by the Claims Tribunal;

(*c*) the exclusion of jurisdiction of all courts exercising ordinary original civil jurisdiction relating to specified claims for compensation and refund against the railway administration;

(*d*) the transfer to the Claims Tribunal of any suit or other proceeding, other than an appeal pending before any court or other authority immediately before the establishment of such Claims Tribunal as would have been within the jurisdiction of such Claims Tribunal if the cause of action on which such suits or proceedings are based had arisen after such establishment.

CHAPTER I

Preliminary

1. **Short title, extent and commencement.**—(1) This Act may be called the Railway Claims Tribunal Act, 1987.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification, appoint.

2. **Definitions.**—In this Act, unless the context otherwise requires,—

(*a*) "application" means an application made under Section 16;

(*b*) "appointed day" means the date with effect from which the Claims Tribunal is established under Section 3;

(*c*) "Bench" means a Bench of the Claims Tribunal;

(*d*) "Chairman" means the Chairman of the Claims Tribunal;

(*e*) "Claims Tribunal" means the Railway Claims Tribunal established under Section 3;

(*f*) "Judicial Member" means a Member of the Claims Tribunal appointed as such under this Act, and includes the Chairman or Vice-Chairman who possesses any of the qualifications specified in sub-section (3) of Section 5;

(*g*) "Member" means a Member (whether Judicial or Technical) of the Claims Tribunal, and includes the Chairman and Vice-Chairman;

(*h*) "notification" means a notification published in the Official Gazette;

(*i*) "prescribed" means prescribed by rules;

(*j*) "Railways Act" means the Indian Railways Act, 1890 (9 of 1890);

(*k*) "rules" means rules made under this Act;

(*l*) "Technical Member" means a Member of the Claims Tribunal who is not a Judicial Member, and includes the Chairman or a Vice-Chairman who possesses any of the qualifications specified in sub-section (4) of Section 5;

(*m*) "Vice-Chairman" means a Vice-Chairman of the Claims Tribunal.

Explanation.—References to the Vice-Chairman in this Act shall be construed as references to each of the Vice-Chairmen;

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(*n*) words and expressions used and not defined in this Act but defined in the Railways Act or the rules made thereunder shall have the meanings respectively assigned to them in that Act or the said rules.

NOTES

Normally definitions are enacted subject to qualification such as 'unless there is anything in the subject or context'. But it is quite unusual to say that a statutory definition does not mean or include what it plainly means or includes, particularly when its application to the various provisions of the Act does not present much difficulty (*M.P. State Road Transport Corporation* v. *Industrial Court*, AIR 1971 MP 54).

CHAPTER II

Establishment of Railway Claims Tribunal and Benches thereof

3. Establishment of Railway Claims Tribunal.—The Central Government shall, by notification, establish a Claims Tribunal, to be known as the Railway Claims Tribunal, to exercise the jurisdiction, powers and authority conferred on it by or under this Act.

4. Composition of claims Tribunal and Benches thereof.—(1) The Claims Tribunal shall consist of a Chairman, four Vice-Chairmen and such number of Judicial Members and Technical Members as the Central Government may deem fit and, subject to the other provisions of this Act, the jurisdiction, powers and authority of the Claims Tribunal may be exercised by Benches thereof.

(2) Subject to the other provisions of this Act, a Bench shall consist of one Judicial Member and one Technical Member.

(3) Notwithstanding anything contained in sub-section (1), the Chairman—

(*a*) may, in addition to discharging the functions of the Judicial Member or the Technical Member of the Bench to which he is appointed, discharge the functions of the Judicial Member or, as the case may be, the Technical Member, of any other Bench;

(*b*) may transfer a Vice-Chairman or other Member from one Bench to another Bench;

(*c*) may authorise the Vice-Chairman or the Judicial Member or the Technical Member appointed to one Bench to discharge also the functions of the Vice-Chairman or, as the case may be, the Judicial Member or the Technical Member of another Bench.

(4) Notwithstanding anything contained in the foregoing provisions of this section, it shall be competent for the Chairman or any other Member authorised by the Chairman in this behalf to function as a Bench consisting of a single Member and exercise the jurisdiction, powers and authority of the Claims Tribunal in respect of such classes of cases or such matters pertaining to such classes of cases as the Chairman may, by general or special order, specify:

Provided that if at any stage of the hearing of any such case or matter, it appears to the Chairman or such Member that the case or matter is of such a nature that it ought to be heard by a Bench consisting of two Members, the case or matter may be transferred by the Chairman or, as

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the case may be, referred to him for transfer, to such Bench as the Chairman may deem fit.

(5) Subject to the other provisions of this Act, the Benches shall sit at such places as the Central Government may, by notification, specify.

5. **Qualifications for appointment as Chairman, Vice-Chairman or other Member.**—(1) A person shall not be qualified for appointment as the Chairman unless he—

(*a*) is, or has been, a Judge of a High Court; or

(*b*) has, for at least two years, held the office of a Vice-Chairman.

(2) A person shall not be qualified for appointment as the Vice-Chairman unless he—

(*a*) is, or has been, or is qualified to be, a Judge of a High Court; or

(*b*) has been a member of the Indian Legal Service and has held a post in Grade I of that Service or any higher post for at least five years; or

(*c*) has, for at least five years, held a civil judicial post carrying a scale of pay which is not less than that of a Joint Secretary to the Government of India; or

(*d*) has, for at least five years, held a post under a railway administration carrying a scale of pay which is not less than that of a Joint Secretary to the Government of India and has adequate knowledge of rules and procedure of, and experience in, claims and commercial matters relating to railways; or

(*e*) has, for a period of not less than three years, held office as a Judicial Member or a Technical Member.

(3) A person shall not be qualified for appointment as a Judicial Member unless he—

(*a*) is, or has been, or is qualified to be, a Judge of a High Court; or

(*b*) has been a Member of the Indian Legal Service and has held a post in Grade I of that Service for at least three years; or

(*c*) has, for at least three years, held a civil judicial post carrying a scale of pay which is not less than that of a Joint Secretary to the Government of India.

(4) A person shall not be qualified for appointment as a Technical Member unless he has, for at least three years, held a post under a railway administration carrying a scale of pay which is not less than that of a Joint Secretary to the Government of India and has adequate knowledge of rules and procedure of, and experience in, claims and commercial matters relating to railways.

(5) Subject to the provisions of sub-section (6), the Chairman, Vice-Chairman and every other Member shall be appointed by the President.

(6) No appointment of a person as the Chairman shall be made except after consultation with the Chief Justice of India.

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6. **Vice-Chairman to act as Chairman or to discharge his functions in certain circumstances.**—(1) In the event of the occurrence of any vacancy in the office of the Chairman by reason of his death, resignation or otherwise, such one of the Vice-Chairmen as the Central Government may, by notification, authorise in this behalf, shall act as the Chairman until the date on which a new Chairman, appointed in accordance with the provisions of this Act to fill such vacancy, enters upon his office.

(2) When the Chairman is unable to discharge his functions owing to absence, illness or any other cause, such one of the Vice-Chairmen as the Central Government may, by notification, authorise in this behalf, shall discharge the functions of the Chairman until the date on which the Chairman resumes his duties.

7. **Term of office.**—The Chairman, Vice-Chairman or other Member shall hold office as such for a term of five years from the date on which he enters upon his office or until he attains,—

(*a*) in the case of the Chairman, the age of sixty-five years ; and

(*b*) in the case of the Vice-Chairman or any other Member, the age of sixty-two years,

whichever is earlier.

8. **Resignation and removal.**—(1) The Chairman, Vice-Chairman or other Member may, by notice in writing under his hand addressed to the President, resign his office :

Provided that the Chairman, Vice-Chairman or other Member shall, unless he is permitted by the President to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is the earliest.

(2) The Chairman, Vice-Chairman or any other Member shall not be removed from his office except by an order made by the President on the ground of proved misbehaviour or incapacity after an inquiry made by a Judge of the Supreme Court in which such Chairman, Vice-Chairman or other Member had been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

(3) The Central Government may, by rules, regulate the procedure for the investigation of misbehaviour or incapacity of the Chairman, Vice-Chairman or other Member referred to in sub-section (2).

9. **Salaries and allowances and other terms and conditions of service of Chairman, Vice-Chairman and other Members.**—The salaries and allowances payable to, and the other terms and conditions of service (including pension, gratuity and other retirement benefits) of, the Chairman, Vice-Chairman and other Members shall be such as may be prescribed :

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairman, Vice-Chairman or other Member shall be varied to his disadvantage after his appointment.

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10. Provision as to the holding of offices by Chairman, Vice-Chairman, etc., on ceasing to be such Chairman or Vice-Chairman, etc.— On ceasing to hold office—

(*a*) the Chairman of the Claims Tribunal shall be ineligible for further employment either under the Government of India or under the Government of a State;

(*b*) a Vice-Chairman shall, subject to the other provisions of this Act, be eligible for appointment as the Chairman of the Claims Tribunal, or as the chairman, vice-chairman or member of any other Tribunal established under any law for the time being in force, but not for any other employment either under the Government of India or under the Government of a State;

(*c*) a Member (other than the Chairman or Vice-Chairman) shall, subject to the other provisions of this Act, be eligible for appointment as the Chairman or Vice-Chairman or as the chairman, Vice-Chairman or member of any other Tribunal established under any law for the time being in force, but not for any other employment either under the Government of India or under the Government of a State;

(*d*) the Chairman, Vice-Chairman or other Member shall not appear, act or plead before the Claims Tribunal.

Explanation.—For the purposes of this section, employment under the Government of India or under the Government of a State includes employment under any local or other authority within the territory of India or under the control of the Government of India or under any corporation or society owned or controlled by the Government.

11. Financial and administrative powers of Chairman.—The Chairman shall exercise such financial and administrative powers over the Benches as may be vested in him under the rules:

Provided that the Chairman shall have authority to delegate such of his financial and administrative powers as he may think fit to the Vice-Chairman or any other officer of the Claims Tribunal, subject to the condition that the Vice-Chairman or such officer shall, while exercising such delegated powers, continue to act under the direction, control and supervision of the Chairman.

12. Staff of Claims Tribunal.—(1) The Central Government shall determine the nature and categories of the officers and other employees required to assist the Claims Tribunal in the discharge of its functions and provide the Claims Tribunal with such officers and other employees as it may think fit.

(2) The officers and other employees of the Claims Tribunal shall discharge their functions under the general superintendence of the Chairman.

(3) The salaries and allowances and conditions of service of the officers and other employees of the Claims Tribunal shall be such as may be prescribed.

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Chapter III

Jurisdiction, powers and authority of Claims Tribunal

13. Jurisdiction, powers and authority of Claims Tribunal.—(1) The Claims Tribunal shall exercise, on and from the appointed day, all such jurisdiction, powers and authority as were exercisable immediately before that day by any civil court or a Claims Commissioner appointed under the provisions of the Railways Act,—

(*a*) relating to the responsibility of the railway administrations as carriers under Chapter VII of the Railways Act in respect of claims for—

(*i*) compensation for loss, destruction, damage, deterioration or non-delivery of animals or goods entrusted to a railway administration for carriage by railway ;

(*ii*) compensation payable under Section 82-A of the Railways Act or the rules made thereunder ; and

(*b*) in respect of the claims for refund of fares or part thereof or for refund of any freight paid in respect of animals or goods entrusted to a railway administration to be carried by railway.

(2) The provisions of the Railways Act and the rules made thereunder shall, so far as may be, be applicable to the inquiring into or determining, any claims by the Claims Tribunal under this Act.

14. Distribution of business amongst Benches.—(1) Where any Benches are constituted, the Central Government may, from time to time, by notification, make provisions as to the distribution of the business of the Claims Tribunal amongst the Benches and specify the matters which may be dealt with by each Bench.

(2) If any question arises as to whether any matter falls within the purview of the business allocated to a Bench, the decision of the Chairman shall be final.

Explanation.—For the removal of doubts, it is hereby declared that the expression "matters" includes an application under Section 20.

15. Bar of jurisdiction.—On and from the appointed day, no court or other authority shall have, or be entitled to, exercise any jurisdiction, powers or authority in relation to the matters referred to in sub-section (1) of Section 13.

Chapter IV

Procedure

16. Application to Claims Tribunal.—(1) A person seeking any relief in respect of the matters referred to in sub-section (1) of Section 13 may make an application to the Claims Tribunal.

(2) Every application under sub-section (1) shall be in such form and be accompanied by such documents or other evidence and by such fee in respect of the filing of such application and by such other fees for the service or execution of processes as may be prescribed :

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Provided that no such fee shall be payable in respect of an application under sub-clause (*ii*) of clause (*a*) of sub-section (1) of Section 13.

17. **Limitation.**—(1) The Claims Tribunal shall not admit an application for any claim—

(*a*) under sub-clause (*i*) of clause (*a*) of sub-section (1) of Section 13 unless the application is made within three years from the date on which the goods in question were entrusted to the railway administration for carriage by railway;

(*b*) under sub-clause (*ii*) of clause (*a*) of sub-section (1) of Section 13 unless the application is made within one year of occurrence of the accident;

(*c*) under clause (*b*) of sub-section (1) of Section 13 unless the application is made within three years from the date on which the fare or freight is paid to the railway administration:

Provided that no application for any claim referred to in sub-clause (*i*) of clause (*a*) of sub-section (1) of Section 13 shall be preferred to the Claims Tribunal until the expiration of three months next after the date on which the intimation of the claim has been preferred under Section 78-B of the Railways Act.

(2) Notwithstanding anything contained in sub-section (1), an application may be entertained after the period specified in sub-section (1) if the applicant satisfies the Claims Tribunal that he had sufficient cause for not making the application within such period.

18. **Procedure and powers of Claims Tribunal.**—(1) The Claims Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908), but shall be guided by the principles of natural justice and, subject to the other provisions of this Act and of any rules, the Claims Tribunal shall have powers to regulate its own procedure including the fixing of places and times of its enquiry.

(2) The Claims Tribunal shall decide every application as expeditiously as possible and ordinarily every application shall be decided on a perusal of documents, written representations and affidavits and after hearing such oral arguments as may be advanced.

(3) The Claims Tribunal shall have, for the purposes of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, in respect of the following matters, namely:—

(*a*) summoning and enforcing the attendance of any person and examining him on oath;

(*b*) requiring the discovery and production of documents;

(*c*) receiving evidence on affidavits;

(*d*) subject to the provisions of Sections 123 and 124 of the Indian Evidence Act, 1872 (1 of 1872), requisitioning any public record or document or copy of such record or document from any office;

(*e*) issuing commissions for the examination of witnesses or documents;

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(*f*) reviewing its decisions ;

(*g*) dismissing an application for default or deciding it *ex parte* ;

(*h*) setting aside any order of dismissal of any application for default or any order passed by it *ex parte* ;

(*i*) any other matter which may be prescribed.

19. Right to legal representation and presenting officers.—(1) A person making an application to the Claims Tribunal may either appear in person or take the assistance of a legal practitioner of his choice to present his case before the Claims Tribunal.

(2) A railway administration may authorise one or more legal practitioners or any of its officers to act as presenting officers and every person so authorised by it may present its case with respect to any application before the Claims Tribunal.

20. Power of Chairman to transfer cases from one Bench to another.—On the application of any of the parties and after notice to the parties, and after hearing such of them as he may desire to be heard, or on his own motion without such notice, the Chairman may transfer any case pending before one Bench, for disposal, to any other Bench.

21. Decision to be by majority.—If the Members of a Bench differ in opinion on any point, they shall state the point or points on which they differ, and make a reference to the Chairman who shall either hear the point or points himself or refer the case for hearing on such point or points by one or more of the other Members and such point or points shall be decided according to the opinion of the majority of the Members who have heard the case, including those who first heard it.

22. Execution of orders of Claims Tribunal.—(1) An order made by the Claims Tribunal under this Act shall be executable by the Claims Tribunal as a decree of civil court and, for this purpose, the Claims Tribunal shall have all the powers of a civil court.

(2) Notwithstanding anything contained in sub-section (1), the Claims Tribunal may transmit any order made by it to a civil court having local jurisdiction and such civil court shall execute the order as if it were a decree made by that court.

CHAPTER V

Appeals

23. Appeals.—(1) Save as provided in sub-section (2) and notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908), or in any other law, an appeal shall lie from every order, not being an interlocutory order, of the Claims Tribunal, to the High Court having jurisdiction over the place where the Bench is located.

(2) No appeal shall lie from an order passed by the Claims Tribunal with the consent of the parties.

(3) Every appeal under this section shall be preferred within a period of ninety days from the date of the order appealed against.

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CHAPTER VI

Miscellaneous

24. Transfer of pending cases.—(1) Every suit, claim or other legal proceeding (other than an appeal) pending before any court, Claims Commissioner or other authority immediately before the appointed day, being a suit, claim or proceeding the cause of action whereon it is based is such that it would have been, if it had arisen after the appointed day, within the jurisdiction of the Claims Tribunal, shall stand transferred on that day to the Claims Tribunal.

(2) Where any suit, claim or other legal proceeding stands transferred from any court, Claims Commissioner or other authority to the Claims Tribunal under sub-section (1),—

(*a*) the court, Claims Commissioner or other authority shall, as soon as may be after such transfer, forward the records of such suit, claim or other legal proceeding to the Claims Tribunal;

(*b*) the Claims Tribunal may, on receipt of such records, proceed to deal with such suit, claim or other legal proceeding, so far as may be, in the same manner as an application, from the stage which was reached before such transfer or from any earlier stage or *de novo* as the Claims Tribunal may deem fit.

25. Proceedings before Claims Tribunal to be judicial proceedings.—All proceedings before the Claims Tribunal shall be deemed to be judicial proceedings within the meaning of Sections 193, 219 and 228 of the Indian Penal Code (45 of 1860).

26. Members and staff of Claims Tribunal to be public servants.—The Chairman, Vice-Chairman and other Members and the officers and other employees of the Claims Tribunal shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code (45 of 1860).

27. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the Central Government or against the Chairman, Vice-Chairman or other Member, or any other person authorised by the Chairman, Vice-Chairman or other Member for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

28. Act to have overriding effect.—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

29. Power to remove difficulties.—(1) If any difficulty arises in giving effect to provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of three years from the appointed day.

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(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

30. Power to make rules.—(1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

(2) Without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely :—

(*a*) the procedure under sub-section (3) of Section 8 for the investigation of misbehaviour or incapacity of the Chairman, Vice-Chairman or other Member ;

(*b*) salaries and allowances payable to, and the other terms and conditions of service (including pension, gratuity and other retirement benefits) of, the Chairman, Vice-Chairman and other Members under Section 9 ;

(*c*) the financial and administrative powers which the Chairman may exercise over the Benches under Section 11 ;

(*d*) the salaries and allowances and conditions of service of officers and other employees of the Claims Tribunal under sub-section (3) of Section 12 ;

(*e*) the form of application, the documents and other evidence to be accompanied with such application and fee in respect of filing of such application and fee for the service or execution of processes under sub-section (2) of Section 66 ;

(*f*) the rules subject to which the Claims Tribunal shall have powers to regulate its own procedure under sub-section (1) of Section 18 and the additional matters in which the Claims Tribunal may exercise powers of civil court unled clause (*i*) of sub-section (3) of that section ;

(*g*) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

NOTES

Force of Law.—Rules and regulations have the force of law. Therefore, writ of Mandamus will be available against administrative or quasi-judicial authority, which refuses to follow the rules. *State of U.P.* v. *Baburam*, (1961) 2 SCR 679 : AIR 1961 SC 751 : (1961) 1 Cr LJ 773 : Also see *Guruswami* v. *State of Mysore*, AIR 1954 SC 592 ; *Nagarajan* v. *State of Mysore*, AIR 1966 SC 1942.

Failure to place rules before Houses of Paliament : Effect.—In *Jan Mohammad* v. *State of Gujarat*, AIR 1966 SC 385, the validity of rules framed under the Bombay Act 22 of 1939 was challenged on ground that the rules framed under the Act were not placed before the Legislative Assembly at the first session and therefore they had no legal validity. It was provided in that Act that the rules framed under the Act should be laid before each of the Houses at the session thereof next following. The Supreme Court held that the rules

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were valid from the date on which they were made and failure to place the rules before the Houses of Legislature did not affect the validity of the rules.

The rules and regulations do not lose their character as rules and regulations, even though they are to be of the same effect as if contained in the Act. They continue to be rules subordinate to the Act, and though for certain purposes, including the purpose of construction, they are to be treated as if contained in the Act, their true nature as subordinate rule is not lost. Therefore, with regard to the effect of a repeal of the Act, they continue to be subject to the operation of Section 24 of the General Clauses Act. *Chief Inspector Mines* v. *K.C. Thapar*, (1962) 1 SCR 9 : AIR 1961 SC 838.

CHAPTER VII

Amendments to the Railways Act

31. Amendment of Section 3.—In Section 3 of the Railways Act, after clause (18), the following clause shall be *inserted*, namely :—

'(19) "Claims Tribunal" means the Railway Claims Tribunal established under Section 3 of the Railway Claims Tribunal Act, 1987.'.

32. Amendment of Section 78-A.—In Section 78-A of the Railways Act, for the word "suit", the words "application before the Claims Tribunal" shall be *substituted*.

33. Substitution of new section for Section 80.—For Section 80 of the Railways Act, the following section shall be *substituted*, namely :—

"*80. Application for compensation.*—An application to the Claims Tribunal for compensation for loss of the life of, or personal injury to, a passenger or for loss, destruction, damage, deterioration or non-delivery of animals or goods may be made,—

(*a*) if the passenger was, or the animals or goods were, booked from one station to another on the railway of the same railway administration, against that railway administration ;

(*b*) if the passenger was, or the animals or goods were, booked through over the railway of two or more railway administrations, against the railway administration from which the passenger obtained his pass or purchased his ticket or to which the animals or goods were delivered for carriage, as the case may be, or against the railway administration on whose railway the destination station lies, or the loss, injury, destruction, damage or deterioration occurred.".

34. Omission of Sections 82-B, 82-D and 82-F.—Sections 82-B, 82-D and 82-F of the Railways Act shall be *omitted*.

35. Amendment of Section 82-C.—In Section 82-C of the Railways Act,—

(*a*) in sub-section (1), for the words "Claims Commissioner", the words "Claims Tribunal" shall be *substituted* ;

(*b*) sub-section (2) and the *Explanation* thereto shall be *omitted*.

36. Amendment of Sections 82-E, 82-G and 82-HH.—In Sections 82-E, 82-G and 82-HH of the Railways Act, for the words "Claims Commissioner", wherever they occur, the words "Claims Tribunal" shall be *substituted*.

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37. **Amendment of Section 82-I.**—In Section 82-I of the Railways Act, for the words, figures and letters "Sections 82-A to 82-HH", the words, figures and letters "Sections 82-A, 82-C, 82-E and 82-G to 82-HH" shall be *substituted*.

38. **Amendment of Section 82-J.**—In Section 82-J of the Railways Act,—

(*a*) in sub-section (1), for the words, figures and letters "Sections 82-A to 82-H inclusive", the words, figures and letters "Sections 82-A, 82-C, 82-E, 82-G and 82-H" shall be *substituted*;

(*b*) in sub-section (2), clause (*i*) and clauses (*iv*) to (*vi*) shall be *omitted*.

THE HIGH COURT JUDGES (CONDITIONS OF SERVICE) AMENDMENT ACT, 1987[1]

[No. 48 OF 1987]

[*16th December, 1987*]

An Act further to amend the High Court Judges (Conditions of Service) Act, 1954

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows :—

Prefatory Note—Statement of Objects and Reasons.—Section 22-A of the High Court Judges (Conditions of Service) Act, 1954 states that every Judge shall be entitled, without payment of rent, to the use of an official residence in accordance with such rules as may be made in this behalf and, in a case, where a Judge does not avail himself of the use of an official residence, he may be paid an allowance equal to twelve and a half per cent of his salary every month. Under Section 22-D of the Act, the allowance so payable shall be exempt from income-tax. It it proposed to enhance the said allowance to Rs. 2,500 per month in lieu of the high prevailing rentals.

2. The Bill seeks to achieve the above object.

1. **Short title.**—This Act may be called the High Court Judges (Conditions of Service) Amendment Act, 1987.

2. **Amendment of Section 22-A.**—In the High Court Judges (Conditions of Service) Act, 1954 (28 of 1954), in Section 22-A, in sub-section (2), for the words "an amount equal to twelve and a half per cent of his salary", the words "two thousand five hundred rupees" shall be *substituted*.

NOTES

Article 125 of the Constitution, which deals with salaries, etc. of the Judges, provides :

125. *Salaries, etc., of Judges.*—(1) There shall be paid to the Judges of the Supreme Court such salaries as are specified in the Second Schedule.

(2) Every Judge shall be entitled to such privileges and allowances and to such rights in respect of leave of absence and pension as may from time to time be determined by or under law made by Parliament and, until so determined, to such privileges, allowances and rights as are specified in the Second Schedule :

Provided that neither the privileges nor the allowances of a Judge nor his rights in respect of leave of absence or pension shall be varied to his disadvantage after his appointment.

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1. Received the assent of the President on December 16, 1987 and published in the Gazette of India, Extra., Part II, Section 1, dated 17th December, 1987, p. 1. [W]

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THE MAJOR PORT TRUSTS (AMENDMENT) ACT, 1988[1]

[ACT NO. 12 OF 1988]

[*March 29, 1988*]

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Sections

1. Short title and commencement.
2. Amendment of Section 88.

Section

3. Repeal and saving.

An Act further to amend the Major Port Trusts Act, 1963

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Major Port Trusts (Amendment) Act, 1988.

(2) It shall be deemed to have come into force on the 28th day of January, 1988.

2. Amendment of Section 88.—In Section 88 of the Major Port Trusts Act, 1963 (38 of 1963), (hereinafter referred to as the principal Act),—

(*a*) In sub-section (2),—

(*i*) in the opening portion, for the words "All moneys standing at the credit of the Board", the words "Subject to such general or special directions as the Central Government may, for the purpose of maintenance or development of major ports in the country or generally for the development of shipping and navigation, give in this behalf, all moneys standing at the credit of the Board" shall be *substituted*;

(*ii*) in clause (*a*), for the words "scheduled bank or banks", the words "corresponding new bank or banks" shall be *substitued*;

(*iii*) in clause (*b*), the word "or" shall be *added* at the end;

(*iv*) after clause (*b*), the following clause and *Explanation* shall be *inserted*, namely :—

"(*c*) be given as a loan to the Board of another port for the development of the port.

Explanation.—For the purposes of this sub-section, "corresponding new bank" means a corresponding new bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970), or the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980).";

(*b*) after sub-section (2), the following sub-sections shall be *inserted*, namely :—

"(3) Every direction issued by the Central Government under sub-section (2) shall be complied with by the Board and shall not be called in question in any court on any ground.

1. Received the assent of the President on March 29, 1988. [C]

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(4) No suit or other legal proceeding shall lie against the Central Government, the Board or any officer or other employee of the Board authorised by it in this behalf for any loss or damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any direction issued under sub-section (2).".

NOTES

Good faith defined.—The words "good faith" are not defined in the Act. They are, however, defined in other Acts.

Nothing is said to be done or believed in good faith which is done or believed without due care and attention—Section 52 of the IPC.

A thing shall be deemed to be done in good faith where it is done honestly, whether it is done negligently or not—Section 3(22) of the General Clauses Act, 1897.

Nothing shall be deemed to be done in good faith which is not done with due care and attention—Section 2(7) of the Indian Limitation Act, 1908.

Good faith in criminal law is different from good faith as understood in civil law. If an act is not done with due care and attention, it cannot so far as criminal law is concerned be said to be done in good faith—*Pagla Baba* v. *State*, AIR 1957 Ori 130 : 1957 Cri LJ 769.

Nothing can be said to have been done in good faith when it is done without due care and caution—*Public Prosecutor* v. *Rajammal*, 12 Cri LJ 566 : 12 IC 654.

3. Repeal and saving.—(1) The Major Port Trusts (Amendment) Ordinance, 1988 (Ord. 1 of 1988), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

———

THE HIGH COURT AND SUPREME COURT JUDGES (CONDITIONS OF SERVICE) AMENDMENT ACT, 1988[1]

[No. 20 OF 1988]

[*8th April, 1988*]

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1. Short title and commencement.

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Amendment of the High Court Judges (Conditions of Service) Act, 1954

2. Amendment of Section 17-A.
3. Substitution of new section for Section 22-D.
4. Amendment of First Schedule.

CHAPTER III

Amendment of the Supreme Court Judges (Conditions of Service) Act, 1958

5. Amendment of Section 16-A.
6. Substitution of new section for Section 23-D.
7. Amendment of the Schedule.

An Act further to amend the High Court Judges (Conditions of Service) Act, 1954 and the Supreme Court Judges (Conditions of Service) Act, 1958

1. Received the assent of the President on April 8, 1988 and published in the Gazette of India, Extra., Part II, Section 1, dated 8th April, 1988 [C]

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Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows :—

CHAPTER I

Preliminary

1. **Short title and commencement.**—(1) This Act may be called the High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1988.

(2) The provisions of Sections 2 and 5 shall be deemed to have come into force on the 1st day of January, 1986 and the provisions of Sections 3, 4, 6 and 7 shall be deemed to have come into force on the 1st day of November, 1986.

CHAPTER II

Amendment of the High Court Judges (Conditions of Service) Act, 1954

2. **Amendment of Section 17-A** —In Section 17-A of the High Court Judges (Conditions of Service) Act, 1954 (28 of 1954), (hereafter in this Chapter referred to as the High Court Judges Act), in sub-section (3), in clause (*ii*), the word "and" occurring at the end, and clause (*iii*), shall be *omitted*:

3. **Substitution of new section for Section 22-D.**—For Section 22-D of the High Court Judges Act, the following section shall be *substituted*, namely :—

"*22-D. Exemption from liability to pay income-tax on certain perquisites received by a Judge.*—Notwithstanding anything contained in the Income-tax Act, 1961 (43 of 1961),—

(*a*) the value of rent-free official residence provided to a Judge under sub-section (1) of Section 22-A or the allowance paid to him under sub-section (2) of that section ;

(*b*) the value of the conveyance facilities provided to a Judge under Section 22-B ;

(*c*) the sumptuary allowance provided to a Judge under Section 22-C,

shall not be included in the computation of his income chargeable under the head "Salaries" under Section 15 of the Income-tax Act, 1961".

4. **Amendment of First Schedule.**—In the First Schedule to the High Court Judges Act,—

(*a*) in Part I,—

(*i*) for paragraph 2, the following paragraph shall be *substituted*, namely :—

"2. Subject to the other provisions of this Part, the pension payable to a Judge to whom this Part applies and who has completed not less than seven years of service for

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pension shall be,—

(*a*) for service as Chief Justice in any High Court, Rs. 4,500 per annum for each completed year of service;

(*b*) for service as any other Judge in any High Court, Rs. 3,430 per annum for each completed year of service:

Provided that the pension under this paragraph shall in no case exceed Rs. 54,000 per annum in the case of a Chief Justice and Rs. 48,000 per annum in the case of any other Judge.";

(*ii*) paragraphs 3 to 5 shall be *omitted*;

(*iii*) for paragraph 6, the following paragraph shall be *substituted*, namely:—

"6. A Judge who has rendered service for pension both as Chief Justice and other Judge in any High Court may claim that any period of service of less than a completed year rendered by him as Chief Justice, or any portion of any such period, shall be treated for the purposes of paragraph 2 as service rendered by him as other Judge.";

(*iv*) in paragraph 8, for the word "twelve" and for the figures "20,000", the word "fourteen" and the figures "54,000" shall respectively be *substituted*;

(*v*) in paragraph 9, for the figures "6,000", the figures "15,750" shall be *substituted*;

(*vi*) paragraphs 10 and 11 shall be *omitted*;

(*b*) in Part II,—

(*i*) to paragraph 2, the following proviso shall be *added*, namely:—

"Provided that the pension under clause (*a*) and the additional pension under clause (*b*) together shall in no case exceed Rs. 54,000 per annum in the case of a Chief Justice and Rs. 48,000 per annum in the case of any other Judge.";

NOTES

Pension:—Ordinarily "pension" means a periodical allowance of money granted in recognition of meritorious service. In its widest sense pension may include every kind and description of payment to a retiring servant. *State of Gujarat* v. *R.B. Chandrachud* Civil Appeal No. 579 of 1965, dated 19-11-1968 Article 311(2) of the Constitution does not deal with the question of pension at all. *State of Punjab* v. *K.R. Erry*, (1973) 1 SCC 120: 1973 SCC (L & S) 63. Pension is property within the meaning of Articles 19(1)(*f*) and 31(1) of the Constitution. *Deokenandan Prasad* v. *State*, (1971) 2 SCC 330.

(*ii*) in paragraph 3, for the figures "1,333", "1,600", "1,866", "2,133", "2,400" and "2,666", the figures "3,466", "4,160", "4,851", "5,545", "6,240" and "6,933" shall respectively be *substituted*;

(*iii*) paragraph 4 shall be *omitted*;

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(*c*) in Part III,—

(*i*) in paragraph 2,—

(*A*) in clause (*b*), for the figures "500" and "2,500", the figures "1,600" and "8,000" shall respectively be *substituted*;

(*B*) after clause (*b*), the following proviso shall be *inserted*, namely :—

"Provided that the pension under clause (*a*) and the additional pension under (*b*) together shall in no case exceed Rs. 54,000 per annum in the case of a Chief Justice and Rs. 48,000 per annum in the case of any other Judge.";

(*ii*) paragraphs 3 and 4 shall be *omitted*.

CHAPTER III

Amendment of the Supreme Court Judges (Conditions of Service) Act, 1958

5. Amendment of Section 16-A.—In Section 16-A of the Supreme Court Judges (Conditions of Service) Act, 1958 (41 of 1958), (hereafter in this Chapter referred to as the Supreme Court Judges Act), in sub-section (2), in clause (*ii*), the word "and" occurring at the end, and clause (*iii*), shall be *omitted*.

6. Substitution of new section for Section 23-D.—For Section 23-D of the Supreme Court Judges Act, the following section shall be *substituted*, namely :—

"*23-D. Exemption from liability to pay income-tax on certain perquisites received by a Judge.*—Notwithstanding anything contained in the Income-tax Act, 1961 (43 of 1961),—

(*a*) the value of rent-free official residence provided to a Judge under sub-section (1) of Section 23;

(*b*) the value of the conveyance facilities provided to a Judge under Section 23-A;

(*c*) the sumptuary allowance provided to a Judge under Section 23-B,

shall not be included in the computation of his income chargeable under the head "Salaries" under Section 15 of the Income-tax Act, 1961 (43 of 1961).".

7. Amendment of the Schedule.—In the Schedule to the Supreme Court Judges Act,—

(*a*) in Part I,—

(*i*) in paragraph 2,—

(*A*) in clause (*b*), for the figures "470", "20,000" and "1,200", the figures "1,235", "37,500" and "3,150" shall respectively be *substituted*;

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(*B*) in the proviso, for the figures "26,000", the figures "60,000" shall be *substituted*;

(*ii*) to paragraph 3, the following proviso shall be *added*, namely :—

"Provided that the pension under this paragraph shall in no case exceed Rs. 54,000 per annum." ;

(*iii*) in paragraph 5, for the figures "7,500", the figures "19,700" shall be *substituted*;

(*iv*) paragraphs 6 and 7 shall be *omitted*;

(*b*) in Part II,—

(*i*) in paragraph 2,—

(*A*) in clause (*b*), for the figures "1,400", the figures "3,454" shall be *substituted*;

(*B*) for the proviso, the following proviso shall be *substituted*, namely :—

"Provided that the pension under clause (*a*) and the additional pension under clause (*b*) together shall in no case exceed Rs. 60,000 per annum in the case of a Chief Justice and Rs. 54,000 per annum in the case of any other Judge." ;

(*ii*) paragraph 3 shall be *omitted*;

(*c*) in Part III,—

(*i*) in paragraph 2,—

(*A*) in clause (*b*), for the figures "500" and "2,500", the figures "1,600" and "8,000" shall respectively be *substituted*;

(*B*) after clause (*b*), the following proviso shall be *inserted*, namely :—

"Provided that the pension under clause (*a*) and the additional pension under clause (*b*) together shall in no case exceed Rs. 60,000 per annum in the case of a Chief Justice and Rs. 54,000 per annum in the case of any other Judge." ;

(*ii*) paragraphs 3 and 4 shall be *omitted*.

———

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FINANCE ACT, 1988[1]

[ACT NO. 26 OF 1988],

[13*th May*, 1988]

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77. Auxiliary duties of customs.
78. Amendment of Section 27.
79. Amendment of Section 115.
80. Amendment of Section 156.

Excise

81. Amendment of Act 5 of 1986.
82. Special duties of excise.
83. Amendment of Act 58 of 1957.

1. Received the assent of the President on May 13, 1988 and published in Gazette of India, Extra., Part II, Section 1 [C]

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Sections

84. Provision as to additional duties of excise on certain varieties of sugar in relation to a certain period and validation.

CHAPTER V

MISCELLANEOUS

85. Amendment of Act 74 of 1956.

Sections

86. Amendment of Act 57 of 1972.
87. Amendment of Act 11 of 1983.
88. Amendment of Act 4 of 1988.

THE FIRST SCHEDULE.
THE SECOND SCHEDULE.
THE THIRD SCHEDULE.
THE FOURTH SCHEDULE.

An Act to give effect to the financial proposals of the Central Government for the financial year 1988-89

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. Short title and commencement.—(1) This Act may be called the **Finance Act, 1988.**

(2) Save as otherwise provided in this Act, Sections 2 to 75 and Sections 86 to 88 shall be deemed to have come into force on the 1st day of April, 1988.

CHAPTER II

RATES OF INCOME-TAX

2. Income-tax.—(1) Subject to the provisions of sub-sections (2) and (3), for the assessment year commencing on the 1st day of April, 1988, income-tax shall be charged at the rates specified in Part I of the First Schedule and shall be increased,—

(*a*) in the cases to which Paragraphs A, B, C and D of that Part apply, by a surcharge for purposes of the Union ; and

(*b*) in the cases to which Paragraph E of that Part applies, by a surcharge,

calculated in each case in the manner provided therein.

(2) In the cases to which sub-paragraph I or sub-paragraph II of Paragraph A of Part I of the First Schedule applies, where the assessee has, in the previous year, any net agricultural income exceeding six hundred rupees, in addition to total income, and the total income exceeds,—

(*i*) in a case to which the said sub-paragraph I applies, eighteen thousand rupees, and

(*ii*) in a case to which the said sub-paragraph II applies, twelve thousand rupees,

then,—

(*a*) the net agricultural income shall be taken into account, in the manner provided in clause (*b*) [that is to say, as if the net agricultural income were comprised in the total income after,—

(*i*) in a case to which the said sub-*b*aragraph I applies, the first eighteen thousand rupees, and

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(*ii*) in a case to which the said sub-paragraph II applies, the first twelve thousand rupees,

of the total income but without being liable to tax], only for the purpose of charging income-tax in respect of the total income ; and

(*b*) the income-tax chargeable shall be calculated as follows :—

(*i*) the total income and the net agricultural income shall be aggregated and the amount of income-tax shall be determined in respect of the aggregate income at the rates specified in sub-paragraph I, or, as the case may be, sub-paragraph II of the said Paragraph A, as if such aggregate income were the total income ;

(*ii*) the net agricultural income shall be increased,—

(*A*) in a case to which the said sub-paragraph I applies, by a sum of eighteen thousand rupees ; and

(*B*) in a case to which the said sub-paragraph II applies, by a sum of twelve thousand rupees,

and the amount of income-tax shall be determined in respect of the net agricultural income as so increased at the rates specified in Sub-Paragraph I or, as the case may be, Sub-Paragraph II of the said Paragraph A, as if the net agricultural income as so increased were the total income ;

(*iii*) the amount of income-tax determined in accordance with sub-clause (*i*) shall be reduced by the amount of income-tax determined in accordance with sub-clause (*ii*) and the sum so arrived at shall be the income-tax in respect of the total income :

Provided that the amount of income-tax so arrived at shall, in the case of every person having a total income exceeding fifty thousand rupees, be increased by a surcharge for purposes of the Union calculated at the rate of five per cent of such income-tax and the sum so arrived at shall be the income-tax in respect of the total income.

(3) In cases to which the provisions of Chapter XII or Chapter XII-A or sub-section (1-A) of Section 161 or Section 164 or Section 164-A or Section 167-A of the Income-tax Act, 1961 (43 of 1961) (hereinafter referred to as the Income-tax Act), apply, the tax chargeable shall be determined as provided in that Chapter or that section, and with reference to the rates imposed by sub-section (1) or the rates as specified in that Chapter or section, as the case may be :

Provided that in respect of any income chargeable to tax under Section 115-B or Section 115-BB of the Income-tax Act, the income-tax computed under Section 115-B or Section 115-BB shall be increased by a surcharge for purposes of the Union calculated at the rate of five per cent of such income-tax.

(4) In cases in which tax has to be deducted under Sections 193, 194, 194-A, 194-B, 194-BB, 194-D and 195 of the Income-tax Act, at the rates in force, the deduction shall be made at the rates specified in Part II of the First Schedule and shall be increased,—

(*a*) in the cases to which the provisions of sub-item (*a*) of Item 1 of that Part apply, by a surcharge for purposes of the Union ; and

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(*b*) in the cases to which the provisions of sub-item (*a*) of Item 2 of that Part apply, by a surcharge,

calculated in each case in the manner provided therein.

(5) In cases in which tax has to be deducted under Section 194-C of the Income-tax Act, the deduction shall be made at the rates specified in that section and shall be increased by a surcharge for purposes of the Union calculated at the rate of five per cent of such deduction.

(6) In cases in which tax has to be collected under Section 206-C of the Income-tax Act, the collection shall be made at the rate specified in that section and shall be increased by a surcharge for purposes of the Union calculated at the rate of five per cent of such collection.

(7) Subject to the provisions of sub-section (8), in cases in which income-tax has to be calculated under the first proviso to sub-section (5) of Section 132 of the Income-tax Act or charged under sub-section (4) of Section 172 or sub-section (2) of Section 174 or Section 175 or sub-section (2) of Section 176 or the said Act or deducted under Section 192 of the said Act from income chargeable under the head "Salaries" or in which the "advance tax" payable under Chapter XVII-C of the said Act has to be computed, at the rate or rates in force, such income-tax or, as the case may be, "advance tax" shall be so calculated, charged, deducted or computed at the rate or rates specified in Part III of the First Schedule and shall be increased,—

(*a*) in the cases to which Paragraphs A, B, C and D of that Part apply, by a surcharge for purposes of the Union ; and

(*b*) in the cases to which Paragraph E of that Part applies, by a surcharge,

calculated in each case in the manner provided therein :

Provided that in cases to which the provisions of Chapter XII or Chapter XII-A or sub-section (1-A) of Section 161 or Section 164 or Section 164-A or Section 167-B of the Income-tax Act apply, "advance tax" shall be computed with reference to the rates imposed by this sub-section or the rates as specified in that Chapter or section, as the case may be :

Provided further that in respect of any income chargeable to tax under Section 115-B of the Income-tax Act, the "advance tax" computed under the first proviso shall be increased by a surcharge for purposes of the Union calculated at the rate of five per cent of such "advance tax".

(8) In the cases to which sub-paragraph I or sub-paragraph II of Paragraph A of Part III of the First Schedule applies, where the assessee has, in the previous year or, if by virtue of any provision of the Income-tax Act, income-tax is to be charged in respect of the income of a period other than the previous year, in such other period, any net agricultural income exceeding six hundred rupees, in addition to total income and the total income exceeds,—

(*i*) in a case to which the said sub-paragraph I applies, eighteen thousand rupees, and

(*ii*) in a case to which the said Sub-Paragraph II applies, twelve thousand rupees,

then, in calculating income-tax under the first proviso to sub-section (5) of Section 132 of the Income-tax Act or in charging income-tax under sub-section (2) of Section 174 or Section 175 or sub-section (2) of Section 176 of the

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said Act or in computing the "advance tax" payable under Chapter XVII-C of the said Act, at the rate or rates in force,—

(*a*) the net agricultural income shall be taken into account, in the manner provided in clause (*b*) [that is to say, as if the net agricultural income were comprised in the total income after,—

(*i*) in a case to which the said sub-paragraph I applies, the first eighteen thousand rupees, and

(*ii*) in a case to which the said sub-paragraph II applies, the first twelve thousand rupees,

of the total income but without being liable to tax], only for the purpose of calculating, charging or computing such income-tax or, as the case may be, "advance tax" in respect of the total income ; and

(*b*) such income-tax or, as the case may be, "advance tax" shall be so calculated, charged or computed as follows :—

(*i*) the total income and the net agricultural income shall be aggregated and the amount of income-tax or "advance tax" shall be determined in respect of the aggregate income at the rates specified in sub-paragraph I or, as the case may be, Sub-Paragraph II of the said Paragraph A, as if such aggregate income were the total income ;

(*ii*) the net agricultural income shall be increased,—

(*A*) in a case to which the said sub-paragraph I applies, by a sum of eighteen thousand rupees ; and

(*B*) in a case to which the said sub-paragraph II applies, by a sum of twelve thousand rupees,

and the amount of income-tax or "advance tax" shall be determined in respect of the net agricultural income as so increased at the rates specified in the said sub-paragraph I or, as the case may be, the said sub-paragraph II as if the net agricultural income as so increased were the total income ;

(*iii*) the amount of income-tax or "advance tax" determined in accordance with sub-clause (*i*) shall be reduced by the amount of income-tax or, as the case may be, "advance tax" determined in accordance with sub-clause (*ii*) and the sum so arrived at shall be the income-tax or, as the case may be, "advance tax" in respect of the total income :

Provided that the amount of income-tax or "advance tax" so arrived at shall, in the case of every person having a total income exceeding fifty thousand rupees, be increased by a surcharge for purposes of the Union calculated at the rate of five per cent of such income-tax or, as the case may be, "advance tax" and the sum so arrived at shall be the income-tax or, as the case may be, "advance tax" in respect of the total income.

(9) For the purposes of this section and the First Schedule,—

(*a*) "company in which the public are substantially interested" means a company within the meaning of clause (18) of Section 2 of the Income-tax Act, and includes a subsidiary of such company if the whole of the share capital of such subsidiary company has been held by the parent company or by its nominees throughout the the perious year ;

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(*b*) "domestic company" means an Indian company, or any other company which, in respect of its income liable to income-tax under the Income-tax Act for the assessment year commencing on the 1st day of April, 1988, has made the prescribed arrangements for the declaration and payment within India of the dividends (including dividends on preference shares) payable out of such income in accordance with the provisions of Section 194 of the Act ;

(*c*) "insurance commission" means any remuneration or reward, whether by way of commission or otherwise, for soliciting or procuring insurance business (including business relating to the continuance, renewal or revival of policies of insurance) ;

(*d*) "investment company" means a company whose gross total income (as defined in Section 80-B of the Income-tax Act) consists mainly of income which is chargeable under the heads "Interest on securities" "Income from house property", "Capital gains" and "Income from other sources" ;

(*e*) "net agricultural income", in relation to a person, means the total amount of agricultural income, from whatever source derived, of that person computed in accordance with the rules contained in Part VI of the First Schedule ;

(*f*) "tax-free security" means any security of the Central Government issued or declared to be income-tax free, or any security of a State Government issued income-tax free, the income-tax whereon is payable by the State Government ;

(*g*) "trading company" means a company whose business consists mainly in dealing in goods or merchandise manufactured, produced or processed by a person other than that company and whose income attributable to such business included in its gross total income (as defined in Section 80-B of the Income-tax Act) is not less than fifty-one per cent of the amount of such gross total income ;

(*h*) all other words and expressions used in this section or in the First Schedule but not defined in this sub-section and defined in the Income-tax Act shall have the meanings respectively assigned to them in that Act.

CHAPTER III

DIRECT TAXES

Income-tax

3. Amendment of Section 2.—In Section 2 of the Income-tax Act, after clause (28-*A*), the following clause shall be *inserted* with effect from the 1st day of April, 1989, namely :—

"(28-*B*) 'interest on securities' means,—

(*i*) interest on any security of the Central Government or a State Government ;

(*ii*) interest on debentures or other securities for money issued by or on behalf of a local authority or a company or a corporation established by a Central, State or Provincial Act ;".

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4. Amendment of Section 10.—In Section 10 of the Income-tax Act,—

(*a*) in clause (6),—

(*i*) for sub-clauses (*ii*) to (*v*), the following sub-clause shall be *substituted* with effect from the 1st day of April, 1989, namely :—

"(*ii*) the remuneration received by him as an official, by whatever name called, of an embassy, high commission, legation, commission, consulate or the trade representation of a foreign State, or as a member of the staff of any of these officials, for service in such capacity :

Provided that the remuneration received by him as a trade commissioner or other official representative in India of the Government of a foreign State (not holding office as such in an honorary capacity), or as a member of the staff of any of those officials, shall be exempt only if the remuneration of the correspronding officials or, as the case may be, members of the staff, if any, of the Government resident for similar purposes in the country concerned enjoys a similar exemption in that country :

Provided further that such members of the staff are subjects of the country represented and are not engaged in any business or profession or employment in India otherwise than as members of such staff ;" ;

(*ii*) in sub-clause (*vii-a*),—

(1) in the opening paragraph, the brackets, words, figures and letters "(commencing from a date after the 31st day of March, 1971)" shall be *omitted* ;

(2) in item (*A*), for the brackets, letter and words "(*A*) such remuneration due to or received by him", the following shall be *substituted,* namely :—

"(*I*) where such services commence from a date after the 31st day of March, 1971, but before the 1st day of April, 1988,—

(*A*) such remuneration due to or received by him" ;

(3) in the proviso, for the words "Provided that", the following shall be *substituted,* namely :—

"(*II*) where such services commence from a date after the 31st day of March, 1988, and tax on his income chargeable under the head "Salaries" is paid to the Central Government by the employer (which tax, in the case of an employer, being a company, may be paid notwithstanding anything contained in Section 200 of the Companies Act, 1956 (1 of 1956)), the tax so paid by the employer for a period not exceeding forty-eight months commencing from the date of his arrival in India :

Provided that nothing in this item shall relate to a period exceeding twenty-four months commencing from the date of his arrival in India if the approval of

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the Central Government for his employment in India for such period is not obtained before the 1st day of October of the relevant assessment year :

Provided further that'':

(*b*) in clause (6-*A*), in the *Explanation,* for the words "For the purposes of this clause", the words, brackets, figure and letter "For the purposes of this clause and clause (6-*B*)" shall be *substituted* ;

(*c*) after clause (6-*A*), the following clause shall be *inserted,* namely :—

"(6-*B*) where in the case of a non-resident (not being a company) or of a foreign company deriving income (not being salary, royalty or fees for technical services) from Government or an Indian concern in pursuance of an agreement entered into by the Central Government with the Government of a foreign State or an international organisation, the tax on such income is payable by Government or the Indian concern to the Central Government under the terms of that agreement or any other related agreement approved by the Central Government, the tax so paid ;" ;

(*d*) in clause (15), after sub-clause (*ii-b*), the following sub-clause shall be *inserted* with effect from the 1st day of April, 1989, namely :—

"(*ii-c*) in the case of an individual or a Hindu undivided family, interest on such Relief Bonds, as the Central Government may, by notification in the Official Gazette, specify in this behalf ;" ;

(*e*) in clause (20), the words '"Interest on securities",' shall be *omitted* with effect from the 1st day of April, 1989 ;

(*f*) in clause (23-*A*), the words '"Interest on securities" or' shall be *omitted* with effect from the 1st day of April, 1989 ;

(*g*) in clause (23-*D*) [as inserted by clause (*m*) of Section 6 of the Direct Tax Laws (Amendment) Act, 1987 (4 of 1988)],—

(*i*) for the words "any income from", the words "any income of" shall be *substituted* ;

(*ii*) for the words "the income from the Mutual Fund shall be distributed to the unit holders", the words "such income shall be distributed to the holders of its units" shall be *substituted* ;

(*h*) in clause (24), the words '"Interest on securities",' shall be *omitted* with effect from the 1st day of April, 1989 ;

(*i*) after clause (30), the following clause shall be *inserted* with effect from the 1st day of April, 1989, namely :—

'(31) in the case of an assessee who carries on the business of growing and manufacturing rubber, coffee, cardamom or such other commodity in India, as the Central Government may, by notification in the Official Gazette, specify in this behalf, the amount of any subsidy received from or through the con-

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cerned Board under any such scheme for replantation or replacement of rubber plants, coffee plants, cardamom plants or plants for the growing of such other commodity or for rejuvenation or consolidation of areas used for cultivation of rubber, coffee, cardamom or such other commodity as the Central Government may, by notification in the Official Gazette, specify :

Provided that the assessee furnishes to the Assessing Officer, along with his return of income for the assessment year concerned or within such further time as the Assessing Officer may allow, a certificate from the concerned Board, as to the amount of such subsidy paid to the assessee during the previous year.

Explanation.—In this clause, "concerned Board" means,—

(*i*) in relation to rubber, the Rubber Board consitituted under Section 4 of the Rubber Act, 1947 (24 of 1947),

(*ii*) in relation to coffee, the Coffee Board consitituted under Section 4 of the Coffee Act, 1942 (8 of 1942),

(*iii*) in relation to cardamom, the Spices Board constituted under Section 3 of the Spices Board Act, 1986 (10 of 1986),

(*iv*) in relation to any other commodity specified under this clause, any Board or other authority established under any law for the time being in force which the Central Government may, by notification in the Official Gazette, specify in this behalf.'.

5. Amendment of Section 10-A.—In Section 10-A of the Income-tax Act, with effect from the 1st day of April, 1989,—

(*a*) in sub-section (7), for the words, brackets and figures "before the expiry of the time allowed under sub-section (1) or sub-section (2) of Section 139, whether fixed originally or on extension, for furnishing the return of income", the words, brackets and figures "before the due date for furnishing the return of income under sub-section (1) of Section 139" shall be *substituted* ;

(*b*) in sub-section (8) [as inserted by Section 126 of the Direct Tax Laws (Amendment) Act, 1987 (4 of 1988)],—

(*i*) for the words "in this section", the words, brackets and figure "in sub-section (5)" shall be *substituted* ;

(*ii*) for the words "purposes of this section", the words "purposes of that sub-section" shall be *substituted.*

6. Insertion of new Section 10-B.—After Section 10-A of the Income-tax Act, the following section shall be inserted with effect from the 1st day of April, 1989, namely :—

'(10-*B*) *Special provision in respect of newly established hundred per cent export-oriented undertakings.*—(1) Subject to the provisions of this section, any profits and gains derived by an assessee from a hundred per cent export-oriented undertaking (hereafter in this section referred to as the undertaking) to which this section applies shall not be included in the total income of the assessee.

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(2) This section applies to any undertaking which fulfils all the following conditions, namely :—

(*i*) it manufactures or produces any article or thing ;

(*ii*) it is not formed by the splitting up, or the reconstruction, of a business already in existence :

Provided that this condition shall not apply in respect of any undertaking which is formed as a result of the re-establishment, reconstruction or revival by the assessee of the business of any such industrial undertaking as is referred to in Section 33-B, in the circumstances and within the period specified in that section ;

(*iii*) it is not formed by the transfer to a new business of machinery or plant previously used for any purpose.

Explanation.—The provisions of *Explanation* 1 and *Explanation* 2 to sub-section (2) of Section 80-I shall apply for the purposes of clause (*iii*) of this sub-section as they apply for the purposes of clause (*ii*) of that sub-section.

(3) The profits and gains referred to in sub-section (1) shall not be included in the total income of the assessee in respect of any five consecutive assessment years, falling within a period of eight years beginning with the assessment year relevant to the previous year in which the undertaking begins to manufacture or produce articles or things, specified by the assessee at his option :

Provided that nothing in this sub-section shall be construed to extend the aforesaid five assessment years to cover any period after the expiry of the said period of eight years.

(4) Notwithstanding anything contained in any other provision of this Act, in computing the total income of the assessee of the previous year relevant to the assessment year immediately succeeding the last of the relevant assessment years, or of any previous year relevant to any subsequent assessment year,—

(*i*) Section 32, Section 32-A, Section 33 and clause (*ix*) of sub-section (1) of Section 36 shall apply as if every allowance or deduction referred to therein and relating to or allowable for any of the relevant assessment years, in relation to any building, machinery, plant or furniture used for the purposes of the business of the undertaking in the previous year relevant to such assessment year or any expenditure incurred for the purposes of such business in such previous year had been given full effect to for that assessment year itself and accordingly sub-section (2) of Section 32, clause (*ii*) of sub-section (3) of Section 32-A, clause (*ii*) of sub-section (2) of Section 33 or the second proviso to clause (*ix*) of sub-section (1) of Section 36, as the case may be, shall not apply in relation to any such allowance or deduction ;

(*ii*) no loss referred to in sub-section (1) of Section 72 or sub-section (1) or sub-section (3) of Section 74, in so far as such loss relates to the business of the undertaking, shall be carried forward or set off where such loss relates to any of the relevant assessment years ;

(*iii*) no deduction shall be allowed under Section 80-HH or

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Section 80-HHA or Section 80-I in relation to the profits and gains of the undertaking ; and

(*iv*) in computing the depreciation allowance under Section 32, the written down value of any asset used for the purposes of the business of the undertaking shall be computed as if the assessee had claimed and been actually allowed the deduction in respect of depreciation for each of the relevant assessment years.

(5) Where the undertaking has begun to manufacture or produce articles or things in any previous year relevant to the assessment year commencing before the 1st day of April, 1989, the assessee may, at his option, before the due date for furnishing the return of his income under sub-section (1) of Section 139 for the assessment year commencing on the 1st day of April, 1989, furnish to the Assessing Officer a declaration in writing that the provisions of sub-section (1) may be made applicable to him for any five consecutive assessment years falling within a period of eight years beginning with the assessment year commencing on the 1st day of April, 1989, and if he does so, then, the provisions of sub-section (1) shall apply to him for each of such assessment years and the provisions of sub-section (4) shall also apply in computing the total income of the assessee for the assessment year immediately succeeding the last of such assessment years and any subsequent assessment year.

(6) The provisions of sub-section (8) and sub-section (9) of Section 80-I shall, so far as may be, apply in relation to the undertaking referred to in this section as they apply for the purposes of the industrial undertaking referred to in Section 80-I.

(7) Notwithstanding anything contained in the foregoing provisions of this section, where the assessee, before the due date for furnishing the return of his income under sub-section (1) of Section 139, furnishes to the Assessing Officer a declaration in writing that the provisions of this section may not be made applicable to him, the provisions of this section shall not apply to him for any of the relevant assessment years.

Explanation.—For the purposes of this section,—

(*i*) "hundred per cent export-oriented undertaking" means an undertaking which has been approved as a hundred per cent export-oriented undertaking by the Board appointed in this behalf by the Central Government in exercise of the powers conferred by Section 14 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), and the rules made under that Act ;

(*ii*) "relevant assessment years" means the five consecutive assessment years specified by the assessee at his option under sub-section (3) or sub-section (5), as the case may be ;

(*iii*) "manufacture" includes any—

(*a*) process, or

(*b*) assembling, or

(*c*) recording of programmes on any disc, tape, perforated media or other information storage device.'.

7. **Amendment of Section 13-A.**—In Section 13-A of the Income-tax Act, the words '"Interest on securities",' shall be omitted with effect from the 1st day of April, 1989.

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8. Amendment of Section 14.—In Section 14 of the Income-tax Act, the letter and words "B.—Interest on securities" shall be *omitted* with effect from the 1st day of April, 1989.,

9. Amendment of Section 16.—In Section 16 of the Income-tax Act, in clause (*i*), for the portion beginning with the words "a sum equal to" and ending with the words "whichever is less", the following shall be *substituted* with effect from the 1st day of April, 1989, namely :—

"a sum equal to thirty-three and one-third per cent of the salary or twelve thousand rupees, whichever is less".

10. Omission of Sections 18 to 21.—Sections 18 to 21 of the Income-tax Act and the sub-heading '"*B.—Interest on securities*"' above Section 18 shall be *omitted* with effect from the 1st day of April, 1989.

11. Amendment of Section 40.—In Section 40 of the Income-tax Act, with effect from the 1st day of April, 1989,—

(*i*) in clause (*a*), for sub-clause (*i*), the following sub-clause shall be substituted, namely :—

'(*i*) any interest (not being interest on a loan issued for public subscription before the 1st day of April, 1938), royalty, fees for technical services or other sum chargeable under this Act, which is payable outside India, on which tax has not been paid or deducted under Chapter XVII-B :

Provided that where in respect of any such sum, tax has been paid or deducted under Chapter XVII-B in any subsequent year, such sum shall be allowed as a deduction in computing the income of the previous year in which such tax has been paid or deducted.

Explanation.—For the purposes of this sub-clause,—

(*A*) "royalty" shall have the same meaning as in *Explanation* 2 to clause (*vi*) of sub-section (1) of Section 9 ;

(*B*) "fees for technical services" shall have the same meaning as in *Explanation* 2 to clause (*vii*) of sub-section (1) of Section 9 ;';

(*ii*) clause (*d*) shall be *omitted.*

12. Amendment of Section 43-B.—In Section 43-B of the Income-tax Act [as amended by Section 15 of the Direct Tax Laws (Amendment) Act, 1987 (4 of 1988)], with effect from the 1st day of April, 1989,—

(*i*) for clause (*a*), the following clause shall be *substituted,* namely :—

"(*a*) any sum payable by the assessee by way of tax, duty, cess or fee, by whatever name called, under any law for the time being in force, or" ;

(*ii*) in clause (*c*), the word "or" shall be *inserted* at the end ;

(*iii*) after clause (*c*), the following clause shall be *inserted,* namely :—

"(*d*) any sum payable by the assessee as interest on any loan or borrowing from any public financial institution, in accordance with the terms and conditions of the agreement governing such loan or borrowing," ;

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(*iv*) in the first proviso, after the word, brackets and letter "clause (*c*)", the words, brackets and letter "or clause (*d*)" shall be *inserted* ;

(*v*) in *Explanation* 2, after the word, brackets and letter "clause (*c*)", the words, brackets and letter "or clause (*d*)" shall be *inserted* ;

(*vi*) after *Explanation* 2, the following *Explanation* shall be *inserted*, namely :—

'*Explanation* 3.—For the purposes of this section, the expression "public financial institution" shall have the meaning assigned to it in Section 4-A of the Companies Act, 1956 (1 of 1956).'

13. Insertion of new Section 43-C.—After Section 43-B of the Income-tax Act, the following section shall be *inserted*, namely :—

"43-C. *Special provision for computation of cost of acquisition o certain assets.*—(1) Where an asset [not being an asset referred to in sub-section (2) of Section 45] which becomes the property of an amalgamated company under a scheme of amalgamation, is sold after the 29th day of February, 1988, by the amalgamated company as stock-in-trade of the business carried on by it, the cost of acquisition of the said asset to the amalgamated company in computing the profits and gains from the sale of such asset shall be the cost of acquisition of the said asset to the amalgamating company, as increased by the cost, if any, of any improvement made thereto, and the expenditure, if any, incurred, wholly and exclusively in connection with such transfer by the amalgamating company.

(2) Where an asset [not being an asset referred to in sub-section (2) of Section 45] which becomes the property of the assessee on the total or partial partition of a Hindu undivided family or under a gift or will or an irrevocable trust, is sold after the 29th day of February, 1988, by the assessee as stock-in-trade of the business carried on by him, the cost of acquisition of the said asset to the assessee in computing the profits and gains from the sale of such asset shall be the cost of acquisition of the said asset to the transferor or the donor, as the case may be, as increased by the cost, if any, of any improvement made thereto, and the expenditure, if any, incurred, wholly and exclusively in connection with such transfer (by way of effecting the partition, acceptance of the gift, obtaining probate in respect of the will or the creation of the trust), including the payment of gift-tax, if any, incurred by the transferor or the donor, as the case may be.".

14. Amendment of Section 44-AB.—In Section 44-AB of the Income-tax Act, with effect from the 1st day of April, 1989,—

(*a*) in clauses (*a*) and (*b*), the words, figures and letters "or years relevant to the assessment year commencing on the 1st day of April, 1985, or any subsequent assessment year" shall be *omitted* ;

(*b*) for the words "such previous year or years", the words "such previous year" shall be *substituted* ;

(*c*) in the *Explanation*, for clause (*ii*), the following clause shall be *substituted*, namely :—

'(*ii*) "specified date", in relation to the accounts of the previous year relevant to an assessment year, means,—

(*a*) where the assessee is a company, the 31st day of December of the assessment year ;

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(*b*) in any other case, the 31st day of October of the assessment year.'

15. Insertion of new Section 44-AC.—After Section 44-AB of the Income-tax Act, the following section shall be *inserted* with effect from the 1st day of April, 1989, namely :—

'44-AC. *Special provision for computing profits and gains from the business of trading in certain goods.*—(1) Notwithstanding anything to the contrary contained in Sections 28 to 43-C, in the case of an assessee, being a person other than a public sector company (hereafter in this section referred to as the buyer), obtaining in any sale by way of auction, tender or any other mode, conducted by any other person or his agent (hereafter in this section referred to as the seller),—

(*a*) any goods in the nature of alcoholic liquor for human consumption (other than Indian-made foreign liquor), a sum equal to forty per cent of the amount paid or payable by the buyer as the purchase price in respect of such goods shall be deemed to be the profits and gains of the buyer from the business of trading in such goods chargeable to tax under the head "Profits and gains of business or profession" ;

(*b*) the right to receive any goods of the nature specified in column (2) of the Table below, or such goods, as the case may be, a sum equal to the percentage, specified in the corresponding entry in column (3) of the said Table, or the amount paid or payable by the buyer in respect of the sale of such right or as the purchase price in respect of such goods shall be deemed to be the profits and gains of the buyer from the business of trading in such goods chargeable to tax under the head "Profits and gains of business or profession".

TABLE

Sl. No. (1)	Nature of goods (2)	Percentage (3)
(*i*)	Timber obtained under a forest lease	Thirty-five per cent
(*ii*)	Timber obtained by any mode other than under a forest lease	Fifteen per cent
(*iii*)	Any other forest produce not being timber	Thirty-five per cent

(2) For the removal of doubts, it is hereby declared that the provisions of sub-section (1) shall not apply to a buyer (other than a buyer who obtains any goods, from any seller which is a public sector company) in the further sale of any goods obtained under or in pursuance of the sale under sub-section (1).

(3) In a case where the business carried on by the assessee does not consist exclusively of trading in goods to which this section applies and where separate accounts are not maintained or are not available, the amount of expenses attributable to such other business shall be an amount which bears to the total expenses of the business carried on by the assessee the same proportion as the turnover of such other business bears to the total turnover of the business carried on by the assessee.

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Explanation.—For the purposes of this section, "seller" means the Central Government, a State Government or any local authority or corporation or authority established by or under a Central, State or Provincial Act, or any company or firm.'

16. Amendment of Section 44-BB.—In Section 44-BB of the Income-tax Act, in sub-section (1), in the opening paragraph, for the words "in the case of an assessee", the words "in the case of an assessee, being a non-resident," shall be substituted and shall be deemed to have been substituted with effect from the 1st day of April, 1983.

17. Amendment of Section 47.—In Section 47 of the Income-tax Act, after clause (*v*), the following proviso shall be *inserted*, namely :—

"Provided that nothing contained in clause (*iv*) or clause (*v*) shall apply to the transfer of a capital asset made after the 29th day of February, 1988, as stock-in-trade."

18. Amendment of Section 56.—In Section 56 of the Income-tax Act, in sub-section (2), after clause (*i-c*) [as inserted by Section 26 of the Finance Act, 1987 (11 of 1987)], the following clause shall be inserted with effect from the 1st day of April, 1989, namely :—

"(*i-d*) income by way of interest on securities if the income is not chargeable to income-tax under the head 'Profits and gains of business or profession' ;".

19. Amendment of Section 57.—In Section 57 of the Income-tax Act, with effect from the 1st day of April, 1989,—

(*a*) in clause (*i*),—

(1) after the word "dividends", the words "or interest on securities" shall be *inserted* ;

(2) after the words "such dividend", the words "or interest" shall be *inserted* ;

(*b*) the *Explanation* shall be *omitted.*

20. Amendment of Section 58.—In Section 58 of the Income-tax Act, in sub-section (7), with effect from the 1st day of April, 1989,—

(*a*) in clause (*a*), in sub-clause (*ii*), the words and figures "and in respect of which there is no person in India who may be treated as an agent under Section 163" shall be *omitted* ;

(*b*) clause (*b*) shall be *omitted.*

21. Amendment of Section 79.—In Section 79 of the Income-tax Act, with effect from the 1st day of April, 1989,—

(*a*) in clause (*a*),—

(*i*) the word "or" occurring at the end shall be *omitted* ;

(*ii*) the following proviso shall be added at the end, namely :—

"Provided that nothing contained in this section shall apply to a case where a change in the said voting power takes place in a previous year consequent upon the death of a share-

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holder or on account of transfer of shares by way of gift to any relative of the shareholder making such gift." ;

(*b*) clause (*b*) shall be *omitted*.

22. Amendment of Section 80-CC.—In Section 80-CC of the Income-tax Act, in sub-section (1), after the words "eligible issue of capital,", the words, brackets, figures and letter "or units of any Mutual Fund specified under clause (23-*D*) of Section 10 if such Fund subscribes only to eligible issue of capital," shall be *inserted* with effect from the 1st day of April, 1989.

23. Substitution of new section for Section 80-CCA.—For Section 80-CCA of the Income-tax Act [as inserted by Section 34 of the Finance Act, 1987 (11. of 1987)], the following section shall be *substituted*, namely :—

"80-CCA. *Deduction in respect of deposits under National Savings Scheme or payment to an annuity plan.*—(1) Where an assessee, being—

(*a*) an individual, or

(*b*) a Hindu undivided family, or

(*c*) an association of persons or a body of individuals consisting, in either case, only of husband and wife governed by the system of community of property in force in the State of Goa and the Union territories of Dadra and Nagar Haveli and Daman and Diu,

has in the previous year—

(*i*) deposited any amount in accordance with such scheme as the Central Government may, by notification in the Official Gazette, specify in this behalf (hereafter in this section referred to as the National Savings Scheme) ; or

(*ii*) paid any amount to effect or to keep in force a contract for such annuity plan of the Life Insurance Corporation as the Central Government may, by notification in the Official Gazette, specify,

out of his income chargeable to tax, he shall, in accordance with and subject to, the provisions of this section, be allowed a deduction in the computation of his total income of the whole of the amount deposited or paid (excluding interest or bonus accrued or credited to the assessee's account, if any) as does not exceed the amount of twenty thousand rupees in the previous year :

Provided that in relation to the assessment year commencing on the 1st day of April, 1989, and subsequent assessment years, this sub-section shall have effect as if for the words "twenty thousand rupees", the words "thirty thousand rupees" had been substituted.

(2) Where any amount—

(*a*) standing to the credit of the assessee under the National Savings Scheme in respect of which a deduction has been allowed under sub-section (1) together with the interest accrued on such amount is withdrawn in whole or part in any previous year, or

(*b*) is received on account of the surrender of the policy or as annuity or bonus in accordance with the annuity plan of the Life Insurance Corporation in any previous year,

an amount equal to the whole of the amount referred to in clause (*a*) or

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clause (*b*) shall be deemed to be the income of the assessee of that previous year in which such withdrawal is made or, as the case may be, amount is received, and shall, accordingly, be chargeable to tax as the income of that previous year.

Explanation I.—For the removal of doubts, it is hereby declared that interest on the deposits made under the National Savings Scheme shall not be chargeable to tax except in the manner and to the extent specified in sub-section (2).

Explanation II.—For the purposes of this section, "Life Insurance Corporation" shall have the same meaning as in clause (*a*) of sub-section (8) Section 80-C."

24. Amendment of Section 80-HHC.—In Section 80-HHC of the Income-tax Act, with effect from the 1st day of April, 1989,—

(*a*) for sub-section (1), the following sub-sections shall be *substituted*, namely :—

"(1) Where an assessee, being an Indian company or a person (other than a company) resident in India, is engaged in the business of export out of India of any goods or merchandise to which this section applies, there shall, in accordance with and subject to the provisions of this section, be allowed, in computing the total income of the assessee, a deduction of the whole of the income derived by the assessee from the export of such goods or merchandise :

Provided that if the assessee, being a holder of an Export House Certificate or a Trading House Certificate (hereafter in this section referred to as an Export House or a Trading House, as the case may be), issues a certificate referred to in clause (*b*) of sub-section (4-A), that in respect of the amount of the export turnover specified therein, the deduction under this sub-section is to be allowed to a supporting manufacturer, then the amount of deduction in the case of the assessee shall be reduced by such amount which bears to the total profits of the export business of the assessee the same proportion as the amount of export turnover specified in the said certificate bears to the total export turnover of the assessee.

(1-*A*) Where the assessee, being a supporting manufacturer, has during the previous year, sold goods or merchandise to any Export House or Trading House in respect of which the Export House or Trading House has issued a certificate under the proviso to sub-section (1), there shall, in accordance with and subject to the provisions of this section, be allowed in computing the total income of the assessee, a deduction of the whole of the income derived by the assessee from the sale of goods or merchandise to the Export House or Trading House in respect of which the certificate has been issued by the Export House or Trading House." ;

(*b*) after sub-section (3), the following sub-section shall be *inserted*, namely :—

"(3-*A*) For the purposes of sub-section (1-*A*), profits derived by a supporting manufacturer from the sale of goods or merchandise shall be,—

(*a*) in a case where the business carried on by the supporting manufacturer consists exclusively of sale of goods or

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merchandise to one or more Export Houses or Trading Houses, the profits of the business as computed under the head "Profits and gains of business or profession" ;

(*b*) in a case where the business carried on by the supporting manufacturer does not consist exclusively of sale of goods or merchandise to one or more Export Houses or Trading Houses, the amount which bears to the profits of the business (as computed under the head "Profits and gains of business or profession") the same proportion as the turnover in respect of sale to the respective Export House or Trading House bears to the total turnover of the business carried on by the assessee'. ;

(*c*) after sub-section (4), the following sub-section shall be *inserted,* namely :—

"(4-*A*) The deduction under sub-section (1-*A*) shall not be admissible unless the supporting manufacturer furnishes in the prescribed form along with his return of income,—

(*a*) the report of an accountant, as defined in the *Explanation* below sub-section (2) of Section 288, certifying that the deduction has been correctly claimed on the basis of the income of the supporting manufacturer in respect of his sale of goods or merchandise to the Export House or Trading House ; and

(*b*) a certificate from the Export House or Trading House containing such particulars as may be prescribed and verified in the manner prescribed that in respect of the export turnover mentioned in the certificate, the Export House or Trading House has not claimed the deduction under this section :

Provided that the certificate specified in clause (*b*) shall be duly certified by the auditor auditing the accounts of the Export House or Trading House under the provisions of this Act or under any other law." ;

(*d*) in the *Explanation,* after clause (*c*), the following clauses shall be *inserted*, namely :—

"(*d*) 'Export House Certificate' or 'Trading House Certificate' means a valid Export House Certificate or Trading House Certificate, as the case may be, issued by the Chief Controller of Imports and Exports, Government of India ;

(*e*) "supporting manufacturer" means a person being an Indian company or a person (other than a company) resident in India, manufacturing goods or merchandise and selling such goods or merchandise to an Export House or a Trading Housing for the purposes of export.",

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25. Amendment of Section 80-L.—In Section 80-L of the Income-tax Act, in sub-section (1), with effect from the 1st day of April, 1989,—

(*a*) after clause (*iii*), the following clause shall be inserted, namely :—

"(*iiia*) interest on deposits under the Post Office (Monthly Income Account) Rules, 1987 ;" ;

(*b*) in clause (*vii*),—

(*i*) in the opening paragraph, the words "or with a public company formed and registered in India with the main object of carrying on the business of providing long-term finance for construction or purchase of houses in India for residential purposes" shall be *omitted* ;

(*ii*) in the proviso, the words "or, as the case be, the company" shall be *omitted* ;

(*c*) after clause (*ix*), the following clause shall be *inserted*, namely :—

"(*x*) interest on deposits with, or dividend received from, any public company formed and registered in India with the main object of carrying on the business of providing long-term finance for construction or purchase of houses in India for residential purposes :

Provided that the company is for the time being approved by the Central Government for the purposes of clause (*viii*) of sub-section (1) of Section 36," ;

(*d*) for the first and second provisos, the following provisos shall be *substituted*, namely :—

"Provided that where the gross total income of the assessee includes any income by way of interest on any deposits referred to in clause (*iia*), or income in respect of units referred to in clause (*v*) or clause (*va*), or income by way of interest or dividend referred to in clause (*x*), there shall be allowed in computing the total income of the assessee, a further deduction of an amount equal to so much of such income as has not been allowed by way of deduction under the foregoing provisions of this sub-section ; so however, that the amount of such further deduction shall not exceed three thousand rupees :

Provided further that where any income by way of interest on any deposits referred to in clause (*iia*) or any dividends referred to in clause (*iv*) remains unallowed after the deduction under the foregoing provisions of this section, there shall be allowed in computing the total income of the assessee, an additional deduction of an amount equal to so much of such income as has remained unallowed ; so, however, that the amount of such additional deduction shall not exceed three thousand rupees.".

26. Amendment of Section 80-O.—In Section 80-O of the Income-tax Act (as amended by Section 36 of the Finance Act, 1987 (11 of 1987)),—

(*a*) in the opening paragraph,—

(*i*) for the words "under an agreement approved by the Board in this behalf", the words "under an agreement approved in this behalf by the Chief Commissioner or the Director General" shall be *substituted* with effect from the 1st day of April, 1989 ;

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(*ii*) for the portion beginning with the words "and such income is received in convertible foreign exchange" and ending with the words "in computing the total income of the assessee", the following shall be *substituted*, namely :—

"and such income is received in convertible foreign exchange in India, or having been received in convertible foreign exchange outside India, or having been converted into convertible foreign exchange outside India, is brought into India, by or on behalf of the assessee in accordance with any law for the time being in force for regulating payments and dealings in foreign exchange, there shall be allowed, in accordance with and subject to the provisions of this section, a deduction of an amount equal to fifty per cent of the income so received in, or brought into, India, in computing the total income of the assessee" ;

(*b*) for the first and second provisos, the following provisos shall be *substituted* with effect from the 1st day of April, 1989, namely :—

"Provided that the application for the approval of the agreement referred to in this section is made to the Chief Commissioner or, as the case may be, the Director General in the prescribed form and verified in the prescribed manner before the 1st day of October of the assessment year in relation to which the approval is first sought :

Provided further that the approval of the Chief Commissioner or, as the case may be, the Director General shall not be necessary in the case of any such agreement which has been approved for the purposes of the deduction under this section by the Central Government before the 1st day of April, 1972, or by the Board before the 1st day of April, 1989, and every application for such approval of any such agreement pending with the Board immediately before the 1st day of April, 1989, shall stand transferred to the Chief Commissioner or the Director General for disposal."

27. Amendment of Section 80-P.—In Section 80-P of the Income-tax, in sub-section (2), in clause (*f*), the words and figures "chargeable under Section 18" shall be *omitted* with effect from the 1st day of April, 1989.

28. Omission of Section 86-A.—Section 86-A of the Income-tax Act shall be *omitted* with effect from the 1st day of April, 1989.

29. Amendment of Section 89.—In Section 89 of the Income-tax Act, sub-section (2) shall be *omitted* with effect from the 1st day of April, 1989.

30. Omission of Section 112-A.—Section 112-A of the Income-tax Act shall be *omitted* with effect from the 1st day of April, 1989.

31. Amendment of Section 115-B.—Section 115-B of the Income-tax Act shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-section shall be *inserted* with effect from the 1st day of April, 1989, namely :—

"(2) Notwithstanding anything contained in sub-section (1) or in any other law for the time being in force or any instrument having the force of law, the assessee shall, in addition to the payment of income-tax

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computed under sub-section (1), deposit, during the previous year relevant to the assessment year commencing on the 1st day of April, 1989, an amount equal to thirty-three and one-third per cent of the amount of income-tax computed under clause (*i*) of sub-section (1), in such social security fund (hereafter in this sub-section referred to as the security fund), as the Central Government may, by notification in the Official Gazette, specify in this behalf:

Provided that where the assessee makes during the said previous year any deposit of an amount of not less than two and one-half per cent of the profits and gains of the life insurance business in the security fund, the amount of income-tax payable by the assessee under the said clause (*i*) shall be reduced by an amount equal to two and one-half per cent of such profits and gains and, accordingly, the deposit of thirty-three and one-third per cent required to be made under this sub-section shall be calculated on the income-tax as so reduced".

32. Amendment of Section 115-F.—In Section 115-F of the Income-tax Act, in sub-section (1), with effect from the 1st day of April, 1989,—

(*a*) in the opening portion,—

(*i*) the words "or deposited' shall be *omitted* ;

(*ii*) the words, brackets, figure and letter "or in an account referred to in clause (4-*A*)," shall be *omitted* ;

(*iii*) the words "or such deposit in the account aforesaid" shall be *omitted* ;

(*b*) in the *Explanation*, in clause (*i*), the words, brackets, figures and letter "referred to in the clause (4-*A*) of Section 10 or" shall be *omitted*.

33. Amendment of Section 131.—In Section 131 of the Income-tax Act, with effect from the 1st day of June, 1988,—

(*a*) in sub-section (1-*A*), for the words "If the Assistant Director of Inspection", the words, brackets and figures "If the Director General or Director or Deputy Director or Assistant Director, or the authorised officer referred to in sub-section (1) of Section 132 before he takes action under clauses (*i*) to (*v*) of that sub-section," shall be *subsiituted* ;

(*b*) in sub-section (3), in the proviso, in clause (*b*) [as amended by Section 2 of the Direct Tax Laws (Amendment) Act, 1987 (4 of 1988)], for the words "the Chief Commissioner or Commissioner therefor", the words "the Chief Commissioner or Director General or Commissioner or Director therefor, as the case may be", shall be *substituted*.

34. Amendment of Section 132.—In Section 132 of the Income-tax Act, with effect from the 1st day of April, 1989,—

(*a*) in sub-section (1), after the proviso, the following proviso shall be *inserted*, namely :—

"Provided further that where it is not possible or practicable to take physical possession of any valuable article or thing and remove it to a safe place due to its volume, weight or other physical characteristics or due to its being of a dangerous nature, the autho-

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rised officer may serve an order on the owner or the person who is in immediate possession or control thereof that he shall not remove, part with or otherwise deal with it, except with the previous permission of such authorised officer and such action of the authorised officer shall be deemed to be seizure of such valuable article or thing under clause (*iii*)." ;

(*b*) in sub-section (3), after words "other valuable article or thing,", the words, brackets and figure "for reasons other than those mentioned in the second proviso to sub-section (1)," shall be *inserted.*

NOTES

The scheme of sub-sections (8), (10) and (12) of Section 132 makes it clear that there is a statutory obligation on the Revenue to communicate to the person concerned not merely the Commissioner's approval but the recorded reasons on which the same has been obtained and that such communication must be made as expeditiously as possible after the passing of the order of approval by the Commissioner and in default of such expeditious communication any further retention of the siezed books or documents would become invalid and unlawful. Such obligation arises in regard to every approval of the Commissioner that might have been accorded from time to time. *C. I. T.* v. *Oriental Rubber Works,* (1984) 1 SCC 700 : 1984 SCC (Tax) 106.

35. Amendment of Section 139.—In Section 139 of the Income-tax Act, with effect from the 1st day of April, 1989,—

(*a*) in sub-section (6-*A*), after the words "require him to furnish", the words, figures and letters "the report of any audit obtained under Section 44-AB, the" shall be *inserted* ;

(*b*) in the *Explanation* below sub-section (9), after clause (*b*), the following clause shall be *inserted*, namely :—

"(*bb*) the return is accompanied by the report of the audit obtained under Section 44-AB ;".

NOTES

No discriminatory treatment meted out to registered firms under proviso (*iii*)(*a*) to sub-section (1) and therefore, Article 14 not violated—But no interest is chargeable from the registered firm on ground of delay where amount of tax already paid in the shape of advance tax—*Ganesh Dass Sreeram* v. *I. T. O.,* 1987 Supp SCC 442.

Interest under proviso (*iii*) to sub-section (1) is chargeable in case of filing of return before end of four assessment years concerned not only when assessee fails to file the same within the period mentioned in sub-section (1) or (2) but also when assessee fails to file the same within the extended period of time granted under provisos to sub-section (1) or (2). *Ibid.*

36. Omission of Section 181.—Section 181 of the Income-tax Act and the sub-heading "*O.—Liability of State Governments*" above that section shall be *omitted* with effect from the 1st day of April, 1989.

37. Amendment of Section 193.—In Section 193 of the Income-tax Act, with effect from the 1st day of April, 1989,—

(*a*) in the opening paragraph, for the words 'chargeable under the head "Interest on securities" ', the words "by way of interest on securities" shall be *substituted* ;

(*b*) in the proviso, clause (*ii*) shall be *omitted.*

38. Amendment of Section 194-C.—In Section 194-C of the Income-tax Act, after sub-section (2), the following *Explanation* shall be *inserted* with effect from the 1st day of June, 1988, namely :—

'*Explanation.*—For the purposes of this section, where any sum referred to in sub-section (1) or sub-section (2) is credited to any account,

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whether called "Suspense account" or by any other name, in the books of account of the person liable to pay such income, such crediting shall be deemed to be credit of such income to the account of the payee and the provisions of this section shall apply accordingly.'.

39. Amendment of Section 195.—In Section 195 of the Income-tax Act, in sub-section (2), for the words "in the prescribed manner", the words "by general or special order" shall be *substituted* and shall be deemed to have been substituted with effect from the 1st day of March, 1988.

40. Insertion of new Section 206-C.—After Section 206-B of the Income-tax Act, the following sub-heading and section shall be *inserted* with effect from the 1st day of June, 1988, namely :—

"*BB.—Collection at source*

206-C. *Profits and gains from the business of trading in alcoholic liquor, forest produce, etc.*—(1) Every person, being a seller referred to in Section 44-AC, shall, at the time of debiting of the amount payable by the buyer referred to in that section to the account of the buyer or at the time of receipt of such amount from the said buyer in cash or by the issue of a cheque or draft or by any other mode, whichever is earlier, collect from the buyer of any goods of the nature specified in column (2) of the Table below, a sum equal to the percentage, specified in the corresponding entry in column (3) of the said Table, of such amount as income-tax on income comprised therein.

TABLE

Sl. No. (1)	Nature of goods (2)	Percentage (3)
(i)	Alcoholic liquor for human consumption (other than Indian made foreign liquor)	Fifteen per cent
(ii)	Timber obtained under a forest lease	Fifteen per cent
(iii)	Timber obtained by any mode other than under a forest lease.	Ten per cent
(iv)	Any other forest produce not being timber	Fifteen per cent

Provided that where the Assessing Officer, on an application made by the buyer, gives a certificate in the prescribed form that to the best of his belief any of the goods referred to in the aforesaid Table are to be utilised for the purposes of manufacturing, processing or producing articles or things and not for trading purposes, the provisions of this sub-section shall not apply so long as the certificate is in force.

(2) The power to recover tax by collection under sub-section (1) shall be without prejudice to any other mode of recovery.

(3) Any person collecting any amount under sub-section (1) shall pay within seven days the amount so collected to the credit of the Central Government or as the Board directs.

(4) Any amount collected in accordance with the provisions of this section and paid under sub-section (3) shall be deemed as payment of tax on behalf of the person from whom the amount has been collected and credit shall be given to him for the amount so collected on the production of the certificate furnished under sub-section (5) in the assessment made under this Act for the assessment year for which such income is assessable.

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(5) Every person collecting tax in accordance with the provisions of this section shall within ten days from the date of debit or receipt of the amount furnish to the buyer to whose account such amount is debited or from whom such payment is received, a certificate to the effect that tax has been collected, and specifying the sum so collected, the rate at which the tax has been collected and such other particulars as may be prescribed.

(6) Any person responsible for collecting the tax who fails to collect the tax in accordance with the provisions of this section, shall, notwithstanding such failure, be liable to pay the tax to the credit of the Central Government in accordance with the provisions of sub-section (3).

(7) Without prejudice to the provisions of sub-section (6), if the seller does not collect the tax or after collecting the tax fails to pay it as required under this section, he shall be liable to pay simple interest at the rate of two per cent per month or part thereof on the amount of such tax from the date on which such tax was collectable to the date on which the tax was actually paid.

(8) Where the tax has not been paid as aforesaid, after it is collected, the amount of the tax together with the amount of simple interest thereon referred to in sub-section (7) shall be a charge upon all the assets of the seller.".

41. Amendment of Section 230-A.—In Section 230-A of the Income-tax Act, in sub-section (1), for the words "fifty thousand rupees", the words "two lakh rupees" shall be *substituted.*

42. Insertion of new Section 245-DD.—After Section 245-D of the Income-tax Act, the following section shall be *inserted*, namely :—

"245-DD. *Power of Settlement Commission to order provisional attachment to protect revenue.*—(1) Where, during the pendency of any proceeding before it, the Settlement Commission is of the opinion that for the purpose of protecting the interests of the revenue it is necessary so to do, it may, by order, attach provisionally any property belonging to the applicant in the manner provided in the Second Schedule :

Provided that where a provisional attachment made under Section 281-B is pending immediately before an application is made under Section 245-C, an order under this sub-section shall continue such provisional attachment up to the period up to which an order made under Section 281-B would have continued if such application had not been made :

Provided further that where the Settlement Commission passes an order under this sub-section after the expiry of the period referred to in the preceding proviso, the provisions of sub-section (2) shall apply to such order as if the said order had originally been passed by the Settlement Commission.

(2) Every provisional attachment made by the Settlement Commission under sub-section (1) shall cease to have effect after the expiry of a period of six months from the date of the order made under sub-section (1) :

Provided that the Settlement Commission may, for reasons to be recorded in writing, extend the aforesaid period by such further period or periods as it thinks fit, so, however, that the total period of extension shall not in any case exceed two years."

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43. Amendment of Section 246.—In Section 246 of the Income-tax Act,—

(*a*) in sub-section (1), in clause (*o*), in sub-clause (*iva*), after the word, figures and letter "Section 272-B", the words, figures and letters "or Section 272-BB" shall be inserted and shall be deemed to have been inserted with effect from the 1st day of June, 1987 ;

(*b*) in sub-section (2), in clause (*a*), the words, figures and letters "or an order under Section 104, as it stood immediately before the 1st day of April, 1988, in respect of any assessment for the assessment year commencing on the 1st day of April, 1987, or any earlier assessment years, made against the assessee, being a company ;" shall be *inserted* at the end.

44. Amendment of Section 263.—In Section 263 of the Income-tax Act, in sub-section (1), for the *Explanation*, the following *Explanation* shall be *substituted* with effect from the 1st day of June, 1988, namely :—

'*Explanation.*—For the removal of doubts, it is hereby declared that, for the purposes of this sub-section,—

(*a*) an order passed by the Assessing Officer shall include—

(*i*) an order of assessment made by the Assistant Commissioner or the Income-tax Officer on the basis of the directions issued by the Deputy Commissioner under Section 144-A ;

(*ii*) an order made by the Deputy Commissioner in exercise of the powers or in the performance of the functions of an Assessing Officer conferred on, or assigned to, him under the orders or directions issued by the Board or by the Chief Commissioner or Director General or Commissioner authorised by the Board in this behalf under Section 120 ;

(*b*) "record' includes all records relating to any proceeding under this Act available at the time of examination by the Commissioner ;

(*c*) where any order referred to in this sub-section and passed by the Assessing Officer had been the subject-matter of any appeal, the powers of the Commissioner under this sub-section shall extend to such matters as had not been considered and decided in such appeal.'.

45. Amendment of Section 271-B.—In Section 271-B of the Income-tax Act, after the words, figures and letters "or obtain a report of such audit as required under Section 44-AB", the words, brackets and figures "or furnish the said report along with the return of his income filed under sub-section (1) of Section 139, or along with the return of income furnished in response to a notice under clause (*i*) of sub-section (1) of Section 142" shall be *inserted* with effect from the 1st day of April, 1989.

46. Insertion of new Section 276-BB.—After Section 276-B of the Income-tax Act, the following section shall be inserted with effect from the 1st day of June, 1988, namely :—

"276-BB. *Failure to pay the tax collected at source.*—If a person fails to pay to the credit of the Central Government, the tax collected by him as required under the provisions of Section 206-C, he shall be punishable with rigorous imprisonment for a term which shall not be less than three months but which may extend to seven years and with fine.".

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47. Amendment of Section 279.—In Section 279 of the Income-tax Act, with effect from the 1st day of April, 1989,—

(*a*) for sub-section (1), the following sub-section shall be *substituted*, namely :—

"(1) A person shall not be proceeded against for an offence under Section 275-A, Section 276, Section 276-A, Section 276-B, Section 276-BB, Section 276-C, Section 276-CC, Section 276-D, Section 277 or Section 278 except with the previous sanction of the Chief Commissioner or Director General or Commissioner :

Provided that no such sanction shall be required if the prosecution is at the instance of the Commissioner (Appeals) or the appropriate authority.

'*Explanation*.—For the purposes of this section, "appropriate authority" shall have the same meaning as in clause (*c*) of Section 269-UA.' ;

(*b*) for sub-section (2), the following sub-section shall be *substituted*, namely :—

"(2) Any offence under this Chapter may, either before or after the institution of proceedings, be compounded by—

(*a*) The Board or a Chief Commissioner or a Director General authorised by the Board in this behalf, in a case where the prosecution would lie at the instance of the Commissioner (Appeals) or the appropriate authority ;

(*b*) The Chief Commissioner or Director General or Commissioner, in any other case."

48. Omission of Chapter XXIIA.—Chapter XXIIA of the Income-tax Act shall be *omitted*.

49. Amendment of Section 281-B.—In Section 281-B of the Income-tax Act,—

(*a*) in sub-section (1), the following *Explanation* shall be *inserted* at the end, namely :—

"*Explanation*.—For the purposes of this sub-section, proceedings under sub-section (5) of Section 132 shall be deemed to be proceedings for the assessment of any income or for the assessment or reassessment of any income which has escaped assessment." ;

(*b*) in sub-section (2), after the first proviso, the following proviso shall be *inserted*, namely :—

"Provided further that where an application for settlement under Section 245-C is made, the period commencing from the date on which such application is made and ending with the date on which an order under sub-section (1) of Section 245-D is made shall be excluded from the period specified in the preceding proviso.".

50. Omission of Section 285-A.—Section 285-A of the Income-tax Act shall be *omitted*.

51. Amendment of Section 293.—In Section 293 of the Income-tax Act, for the words "any order made", the words "any proceeding taken or order

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made" shall be *substituted* and shall be deemed to have been substituted with effect from the 1st day of March, 1988.

52. Amendment of First Schedule.—In the Schedule to the Income-tax Act, in Rule 5, clause (*b*) shall be *omitted* with effect from the 1st day of April, 1989.

53. Amendment of Eleventh Schedule.—In the Eleventh Schedule to the Income-tax Act, for item 9, the following item shall be *substituted* with effect from the 1st day of April, 1989, namely :—

"9. Projectors.".

54. Consequential amendments.—The following amendments (being amendments of a consequential nature) shall be made in the Income-tax Act, namely :—

(*i*) in Section 2, clause (24), sub-clause (*viii*) shall be *omitted* ;

(*ii*) in Section 18, in sub-section (1), in clause (*i*), the words, figures and letters "not being interest payable under Section 280-D in respect of any annuity deposit made under Chapter XXIIA" shall be *omitted* ;

(*iii*) in Section 29 [as amended by the Direct Tax Laws (Amendment) Act, 1987 (4 of 1988)], for the words, figures and letter "Sections 30 to 43-B", the words, figures and letter "Sections 30 to 43-C" shall be *substituted* ;

(*iv*) in Section 33, in sub-section (2) and the *Explanation* thereunder, the words, figures and letter "or Section 280-O" shall be *omitted* ;

(*v*) in Section 33-A, in sub-section (2) and the *Explanation* thereunder, the words, figures and letter "or Section 280-O" shall be *omitted* ;

(*vi*) in Section 80-B, in clause (5), the words, figures and letter "or under Section 280-O" shall be *omitted* ;

(*vii*) in Section 80-J, in sub-section (3), the words, figures and letter "or Section 280-O" shall be *omitted* ;

(*viii*) in Section 80-L, in sub-section (1), in clause (*i*), the brackets, words, figures and letters "(not being interest payable under Section 280-D in respect of any annuity deposit made under Chapter XXIIA)" shall be *omitted* ;

(*ix*) in Section 194-A, in sub-section (1), for the words 'chargeable under the head "Interest on securities" , the words "by way of interest on securities" shall be *substituted* with effect from the 1st day of April, 1989 ;

(*x*) in Section 253, in sub-section (1), in clause (*c*), the words, figures and letter "or under Section 285-A" shall be *omitted.*

Wealth-tax

55. Amendment of Section 5.—In Section 5 of the Wealth-tax Act, 1957 (27 of 1957) (hereinafter referred to as the Wealth-tax Act),—

(*a*) in sub-section (1),—

(*i*) after clause (*xvie*) and the *Explanation* thereto, the following clause shall be *inserted*, namely :—

"(*xvif*) in the case of an individual or a Hindu undivided family, such Relief Bonds as the Central Government may, by notification in the Official Gazette, specify in this behalf ;" ;

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(*ii*) for clause (*xxxa*), the following clause shall be *substituted* with effect from the 1st day of April, 1989, namely :—

"(*xxxa*) the value of one or more dwelling units (each having a plinth area of eighty square metres or less) belonging to the assessee and used solely for the purpose of residence of persons employed by the assessee in any plantation or industrial undertaking belonging to the assessee ;" ;

(*b*) in sub-section (1-*A*), with effect from the 1st day of April, 1989,—

(*i*) in the opening paragraph, after the brackets and figures "(*xvi*),", the brackets, figures and letter "(*xvie*)," shall be *inserted* ;

(*ii*) after the first proviso, the following proviso shall be *inserted*, namely :—

"Provided further that nothing contained in this sub-section shall apply to any assets referred to in clause (*xvie*) which are sold by a public sector company before the 1st day of June, 1988." ;

(*iii*) in the second proviso, for the words "Provided further that", the words "Provided also that" shall be *substituted* ;

(*c*) in sub-section (3),—

(*i*) in the opening portion, after the brackets, figures and letter "(*xvie*),", the brackets, figures and letter "(*xvif*)," shall be *inserted* ;

(*ii*) in clause (*aa*),—

(1) after the word, brackets, figures and letter "clause (*xvie*),", the words, brackets, figures and letter "or Relief Bonds referred to in clause (*xvif*)," shall be *inserted* ;

(2) after the words "Bonds or debentures', the words "or Relief Bonds" shall be *inserted*.

56. Insertion of new Section 22-DD.—After Section 22-D of the Wealth-tax Act, the following section shall be *inserted*, namely :—

"22-DD. *Power of Settlement Commission to order provisional attachment to protect revenue.*—(1) Where, during the pendency of any proceeding before it, the Settlement Commission is of the opinion that for the purpose of protecting the interests of the revenue it is necessary so to do, it may, by order, attach provisionally any property belonging to the applicant in the manner provided in the Second Schedule to the Income-tax Act as made applicable to this Act by Section 32 :

Provided that where a provisional attachment made under Section 34-C is pending immediately before an application is made under Section 22-C, an order under this sub-section shall continue such provisional attachment up to the period up to which an order made under Section 34-C would have continued if such application had not been made :

Provided further that where the Settlement Commission passes an order under this sub-section after the expiry of the period referred to in the preceding proviso, the provisions of sub-section (2) shall apply to such order as if the said order had originally been passed by the Settlement Commission.

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(2) Every provisional attachment made by the Settlement Commission under sub-section (1) shall cease to have effect after the expiry of a period of six months from the date of the order made under sub-section (1) :

Provided that the Settlement Commission may, for reasons to be recorded in writing, extend the aforesaid period by such further period or periods as it thinks fit, so, however, that the total period of extension shall not in any case exceed two years."

57. Amendment of Section 25.—In Section 25 of the Wealth-tax Act, in sub-section (2), for the *Explanation*, the following *Explanation* shall be *substituted*, with effect from the 1st day of June, 1988, namely :—

"*Explanation.*—For the removal of doubts, it is hereby declared that, for the purposes of this sub-section,—

(*a*) an order passed by the Assessing Officer shall include an order made by the Deputy Commissioner in exercise of the powers or in the performance of the functions of an Assessing Officer conferred on or assigned to him under orders or directions issued by the Board or by the Chief Commissioner or Director General or Commissioner authorised by the Board in this behalf under Section 120 of the Income-tax Act read with Section 8 of this Act ;

(*b*) "record includes all records relating to any proceeding under this Act available at the time of examination by the Commissioner ;

(*c*) where any order referred to in this sub-section and passed by the Assessing Officer had been the subject-matter of any appeal, the powers of the Commissioner under this sub-section shall extend to such matters as had not been considered and decided in such appeal.".

58. Amendment of Section 34-AB.—In Section 34-AB of the Wealth-tax Act, in sub-sections (1) and (2), for the word "Board", the words "Chief Commissioner or Director General" shall be *substituted* with effect from the 1st day of June, 1988.

59. Amendment of Section 34-ACC.—In Section 34-ACC of the Wealth-tax Act, for the words "to the Board', occurring at the end, the words "to the Chief Commissioner or Director General" shall be *substituted* with effect from the 1st day of June, 1988.

60. Amendment of Section 34-AD.—In Section 34-AD of the Wealth-tax Act, with effect from the 1st day of June, 1988,—

(*a*) in sub-section (1),—

(*i*) for the word "Board", at both the places where it occurs, the words "Chief Commissioner or Director General" shall be *substituted* ;

(*ii*) for the words "it is satisfied", the words "he is satisfied" shall be *substituted* ;

(*iii*) for the words "it thinks fit ', the words "he thinks fit" shall be *substituted* ;

(*b*) in sub-section (2), for the word "Board", the words "Chief Commissioner or Director General" shall be *substituted* ;

(*c*) after sub-section (2), the following sub-sections shall be *inserted*, namely :—

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"(3) Without prejudice to the provisions of sub-sections (1) and (2), the Chief Commissioner or Director General shall, once in three years, review the performance of all the registered valuers and may remove the name of any person from the Register of Valuers where he is satisfied, after giving that person a reasonable opportunity of being heard and after such further inquiry, if any, as he thinks fit to made, that his performance is such that his name should not remain on the Register of Valuers.

(4) The Chief Commissioner or Director General may himself conduct the inquiry referred to in sub-section (1) or sub-section (3) or appoint an Inquiry Officer not below the rank of a Commissioner to conduct such inquiry, and for the purposes of such inquiry, the Chief Commissioner or Director General and the Inquiry Officer so appointed shall have the same powers as are vested in a court under the Code of Civil Procedure, 1908 (5 of 1908), when trying a suit in respect of the following matters, namely :—

(*a*) discovery and inspection ;

(*b*) enforcing the attendance of any person including any officer of a banking company and examining him on oath ;

(*c*) compelling the production of books of account and other documents ;

(*d*) issuing commission.".

61. Insertion of new Section 34-AE.—In Chapter VIIB of the Wealth-tax Act, after Section 34-AD, the following section shall be *inserted* with effect from the 1st day of June, 1988, namely :—

"34-AE. *Existing registered valuers to apply afresh.*—(1) Notwithstanding anything contained in this Chapter, every person whose name is included in the Register of Valuers immediately before the 1st day of June, 1988, shall, if he intends to continue to be registered under this Act, make an application under sub-section (2) of Section 34-AB within a period of three months from that date, for being registered afresh as a valuer under this Chapter and the provisions of sub-section (3) of that section and the rules made thereunder shall be applicable in respect of the verification of the application, the fees that shall accompany such application and the declaration to be made by the applicant.

(2) The provisions of this Chapter regarding the registration of a person as a valuer and other matters shall, so far as may be, apply to every application made under sub-section (1).

(3) Every application pending before the Board immediately before the 1st day of June, 1988, shall be deemed to be an application received by the Chief Commissioner or Director General under sub-section (1).".

62. Amendment of Section 34-C.—In Section 34-C of the Wealth-tax Act—

(*a*) in sub-section (1), the following *Explanation* shall be *inserted* at the end, namely :—

"*Explanation.*—For the purposes of this sub-section, the proceedings under sub-section (5) of Section 37-A shall be deemed to be proceedings for the assessment of any net wealth or for the assessment or reassessment of any net wealth which has escaped assessment." ;

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(*b*) in sub-section (2), after the first proviso, the following proviso shall be *inserted*, namely :—

"Provided further that where an application for settlement under Section 22-C is made, the period commencing from the date on which such application is made and ending with date on which an order under sub-section (1) of Section 22-D is made shall be excluded from the period specified in the preceding proviso.".

63. Substitution of new section for Section 35-I.—For Section 35-I of the Wealth-tax Act, the following section shall be substituted with effect from the 1st day of April, 1989, namely :—

"35-I. *Prosecutions to be with the previous sanction of certain wealth-tax authorities and their power to compound offences.*—(1) A person shall not be proceeded against for an offence under this Act except with the previous sanction of the Chief Commissioner or Director General or Commissioner :

Provided that no such sanction shall be required if the prosecution is at the instance of the Commissioner (Appeals).

(2) Any such offence may, either before or after the institution of proceedings, be compounded by—

(*a*) the Board or a Chief Commissioner or a Director General authorised by the Board in this behalf, in a case where the prosecution would lie at the instance of the Commissioner (Appeals) ;

(*b*) the Commissioner or Director General or Commissioner, in any other case."

64. Amendment of Section 37.—In Section 37 of the Wealth-tax Act, with effect from the 1st day of June, 1988,—

(*a*) after sub-section (1), the following sub-section shall be inserted, namely :—

"(1-A) If the Director General or Director or Deputy Director or Assistant Director, or the authorised officer referred to in sub-section (1) of Section 37-A before he takes action under clauses (*i*) to (*vi*) of that sub-section, has reason to suspect that any net wealth has been concealed, or is likely to be concealed, by any person or class of persons within his jurisdiction, then, for the purposes of making any inquiry or investigation relating thereto, it shall be competent for him to exercise the powers conferred under sub-section (1) on the wealth-tax authorities referred to in that sub-section, notwithstanding that no proceedings with respect to such person or class of persons are pending before him or any other wealth-tax authority." ;

(*b*) in sub-section (3), in the proviso, in clause (*b*) [as amended by Section 127 of the Direct Tax Laws (Amendment) Act, 1987 (4 of 1988)], for the words "the Chief Commissioner or Commissioner therefor", the words "the Chief Commissioner or Director General or Commissioner or Director therefor, as the case may be" shall be *substituted*.

65. Amendment of Section 43.—In Section 43 of the Wealth-tax Act, for the words "any order made", the words "any proceeding taken or order

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made" shall be substituted and shall be deemed to have been substituted with effect from the 1st day of March, 1988.

66. Amendment of Schedule I.—In Schedule I to the Wealth-tax Act, in Part I, the following shall be added at the end, namely :—

"*Surcharge on wealth-tax*

The amount of wealth-tax computed in accordance with the provisions of this Part shall, in relation to the assessment year commencing on the 1st day of April, 1988, be increased by a surcharge calculated at the rate of ten per cent of such wealth-tax.".

Gift-tax

67. Amendment of Section 5.—In Section 5 of the Gift-tax Act, 1958 (18 of 1958) (hereinafter referred to as the Gift-tax Act), in sub-section (1), after clause (*iiic*), the following clause shall be inserted, namely :—

"(*iiid*) being an individual or a Hindu undivided family, of property in the form of such Relief Bonds, as the Central Government may, by notification in the Official Gazette, specify in this behalf subject to a maximum of rupees five lakhs in value in the aggregate in one or more previous years ;

Provided that the exemption conferred by this clause shall be available only to a person who has initially subscribed to the said Bonds ;".

68. Amendment of Section 24.—In Section 24 of the Gift-tax Act, in sub-section (2), for the *Explanation*, the following *Explanation* shall be substituted with effect from the 1st day of June, 1988, namely :—

"*Explanation.*—For the removal of doubts, it is hereby declared that, for the purposes of this sub-section,—

(*a*) an order passed by the Assessing Officer shall include an order passed by the Deputy Commissioner in exercise of the powers or in performance of the functions of an Assessing Officer conferred on or assigned to him under orders or directions issued by the Board or by the Chief Commissioner or Director General or Commissioner authorised by the Board in this behalf under Section 120 of the Income-tax Act read with Section 7 of this Act ;

(*b*) 'record' includes all records relating to any proceeding under this Act available at the time of examination by the Commissioner ;

(*c*) where any order referred to in this sub-section and passed by the Assessing Officer had been the subject-matter of any appeal, the powers of the Commissioner under this sub-section shall extend to such matters as had not been considered and decided in such appeal.".

69. Amendment of Section 35.—In Section 35 of the Gift-tax Act, for sub-sections (3) and (4), the following sub-sections shall be *substituted* with effect from the 1st day of April, 1989, namely :—

"(3) A person shall not be proceeded against for an offence under this Act except with the previous sanction of the Chief Commissioner or Director General or Commissioner :

Provided that no such sanction shall be required if the prosecution is at the instance of the Commissioner (Appeals).

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(4) Any such offence may, either before or after the institution of proceedings, be compounded by—

(*a*) the Board or a Chief Commissioner or a Director General authorised by the Board in this behalf, in a case where the Prosecution would lie at the instance of the Commissioner (Appeals) ;

(*b*) the Chief Commissioner or Director General or Commissioner, in any other case.".

70. Amendment of Section 36.—In Section 36 of the Gift-tax Act, after sub-section (1), the following sub-section shall be inserted with effect from the 1st day of June, 1988, namely :—

"(1-*A*) If the Director General or Director or Deputy Director or Assistant Director has reason to suspect that any gifts chargeable to tax under this Act have been concealed, or are likely to be concealed, by any person or class of persons within his jurisdiction, then, for the purposes of making any inquiry or investigation relating thereto, it shall be competent for him to exercise the powers conferred under sub-section (1) on the gift-tax authorities referred to in that sub-section, notwithstanding that no proceedings with respect to such person or class of persons are pending before him or any other gift-tax authority."

71. Amendment of Section 42.—In Section 42 of the Gift-tax Act, for the words "any order made", the words "any proceeding taken or order made" shall be substituted and shall be deemed to have been substituted with effect from the 1st day of March, 1988.

Expenditure-tax

72. Substitution of new authorities.—In the Expenditure-tax Act, 1987 (35 of 1987) (hereinafter referred to as the Expenditure-tax Act), save as otherwise expressly provided herein, the references to any authorities specified in column (1) of the Table below shall be substituted by references to the authority or authorities specified in the corresponding entries in column (2) of the said Table and such consequential changes, as the rules of grammar may require, shall also be made.

TABLE

(1)	(2)
Commissioner	Chief Commissioner or Commissioner
Inspecting Assistant Commissioner	Deputy Commissioner
Income-tax Officer	Assessing Officer:

Provided that nothing contained in this section shall apply to the reference to "Commissioner" occurring in Sections 21 and 23.

73. Amendment of Section 6.—In Section 6 of the Expenditure-tax Act,—

(*a*) for sub-section (1), the following sub-section shall be *substituted*, namely :—

"(1) Every Director General of Income-tax, Chief Commissioner of Income-tax, Director of Income-tax, Commissioner of

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Income-tax, Commissioner of Income-tax (Appeals), Deputy Director of Income-tax, Deputy Commissioner of Income-tax, Assistant Director of Income-tax, Assistant Commissioner of Income-tax, Income-tax Officer, Tax Recovery Officer and Inspector of Income-tax shall have the like powers and perform the like functions under this Act as he has and performs under the Income-tax Act, and for the exercise of his powers and the performance of his functions, his jurisdiction under this Act shall be the same as he has under the Income-tax Act. ;"

(*b*) in sub-section (3), for the words "Director of Inspection or by the Commissioner", the words "Director General or Director or by the Chief Commissioner or Commissioner" shall be *substituted.*

74. Amendment of Section 13.—In Section 13 of the Expenditure-tax Act, in sub-section (3), for the words and figures "the Commissioner, or, as the case may be, the order under Section 22 or Section 23 is received by the Commissioner", the words and figures "the Commissioner, or the order is received by the Chief Commissioner or Commissioner, as the case may be, under Section 22 or Section 23" shall be *substituted.*

75. Amendment of Section 24.—In Section 24 of the Expenditure-tax Act,—

(*a*) for the figures, brackets, letters and words "2(43-*B*) and (44), 118, 125, 125-A, 128 to 136 (both inclusive)", the figures, brackets and words "2(44), 118, 120, 129, 131 to 136 (both inclusive)" shall be *substituted* ;

(*b*) the figures "231", shall be *omitted.*

CHAPTER IV

INDIRECT TAXES

Customs

76. Amendment of Act 51 of 1975.—The Customs Tariff Act, 1975 (hereinafter referred to as the Customs Tariff Act), shall be amended in the manner specified in the Second Schedule.

77. Auxiliary duties of customs.—(1) In the case of goods mentioned in the First Schedule to the Customs Tariff Act, or in that Schedule, as amended from time to time, there shall be levied and collected as an auxiliary duty of customs an amount equal to fifty per cent of the value of the goods as determined in accordance with the provisions of Section 14 of the Customs Act, 1962 (52 of 1962) (hereinafter referred to as the Customs Act).

(2) Sub-section (1) shall cease to have effect after the 31st day of March, 1989, except as respects things done or omitted to be done before such cesser ; and Section 6 of the General Clauses Act, 1897 (10 of 1897), shall apply upon such cesser as if the said sub-section had then been repealed by a Central Act.

(3) The auxiliary duties of customs referred to in sub-section (1) shall be in addition to any duties of customs chargeable on such goods under the Customs Act, or any other law for the time being in force.

(4) The provisions of the Customs Act and the rules and regulations made thereunder, including those relating to refunds and exemptions from duties,

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shall, as far as may be, apply in relation to the levy and collection of the auxiliary duties of customs leviable under this section in respect of any goods as they apply in relation to the levy and collection of the duties of customs on such goods under that Act or those rules and regulations, as the case may be.

78. Amendment of Section 27.—In Section 27 of the Customs Act, after sub-section (4), the following sub-section shall be *inserted*, namely :—

"(5) Notwithstanding anything contained in any other law, the provisions of this section shall also apply to a claim for refund of any amount collected as duty of customs made on the ground that the goods in respect of which such amount was collected were not leviable to such duty or were entitled to exemption from duty and no court shall have any jurisdiction in respect of such claim.".

79. Amendment of Section 115.—In Section 115 of the Customs Act, in sub-section (2), in the opening paragraph, the words "and that each of them had taken all such precautions against such use as are for the time being specified in the rules" shall be *omitted*.

80. Amendment of Section 156.—In Section 156 of the Customs Act, in sub-section (2), clause (*c*) shall be *omitted*.

Excise

81. Amendment of Act 5 of 1986.—The Central Excise Tariff Act, 1985 (hereinafter referred to as the Central Excise Tariff Act), shall be amended in the manner specified in the Third Schedule.

82. Special duties of excise.—(1) In the case of goods chargeable with a duty of excise under the Central Excises and Salt Act, 1944 (1 of 1944) hereinafter referred to as the Central Excises Act), as amended from time to time, read with any notification for the time being in force issued by the Central Government in relation to the duty so chargeable (not being a notification providing for any exemption for giving credit with respect to, or reduction of duty of, excise under the said Act on such goods equal to, any duty of excise under the said Act, or the additional duty under Section 3 of the Customs Tariff Act, already paid on the raw material or component parts used in the production or manufacture of such goods), there shall be levied and collected a special duty of excise equal to five per cent of the amount so chargeable on such goods.

(2) Sub-section (1) shall cease to have effect after the 31st day of March 1989, except as respects things done or omitted to be done before such cesser ; and Section 6 of the General Clauses Act, 1897 (10 of 1897), shall apply upon such cesser as if the said sub-section had then been repealed by a Central Act.

(3) The special duties of excise referred to in sub-section (1) shall be in addition to any duties of excise chargeable on such goods under the Central Excises Act, or any other law for the time being in force.

(4) The provisions of the Central Excises Act, and the rules made thereunder, including those relating to refunds and exemptions from duties, shall, as far as may be, apply in relation to the levy and collection of the special duties of excise leviable under this section in respect of any goods as they apply in relation to the levy and collection of the duties of excise on such goods under that Act or those rules, as the case may be.

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83. Amendment of Act 58 of 1957.—The Additional Duties of Excise (Goods of Special Importance) Act, 1957 (hereinafter referred to as the Additional Duties of Excise Act), shall be amended in the manner specified in the Fourth Schedule.

84. Provision as to additional duties of excise on certain varieties of sugar in relation to a certain period and validation.—(1) The notification of the Government of India in the Ministry of Finance (Department of Revenue) No. G.S.R. 97(E), date the 23rd day of February, 1988, which was issued in exercise of the powers conferred by sub-rule (1) of Rule 8 of the Central Excise Rules, 1944, read with sub-section (3) of Section 3 of the Additional Duties of Excise Act, providing for withdrawal of exemptions from additional duty of excise in relation to certain varieties of sugar (hereafter in this section referred to as sugar), shall be deemed to have, and to have always had, effect on and from the 10th of September, 1986.

(2) Any action or thing taken or done or purported to have been taken or done on or after the 10th day of September, 1986, and before the 23rd day of February, 1988, in relation to sugar under the Additional Duties of Excise Act, shall be deemed to be, and to have always been, for all purposes as validly and effectively taken or done as if the provisions of sub-section (1) had been in force at all material times and such action or thing had been taken or done under the Additional Duties of Excise Act read with the notification dated the 23rd day of February, 1988, referred to in sub-section (1), and, accordingly, notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority,—

(*a*) all additional duties of excise levied, assessed or collected or purporting to have been levied, assessed or collected on or after the 10th day of September, 1986, and before the 23rd day of February, 1988, on sugar, shall be deemed to be, and shall be deemed to have always been, as validly levied, assessed or collected as if the provisions of this section had been in force at all material times ;

(*b*) no suit or other proceeding shall be maintained or continued in any court, tribunal or other authority, for the refund of, and no enforcement shall be made by any court, tribunal or other authority, of any decree or order directing the refund of, any such additional duties of excise which have been collected and which would have been validly collected if the provisions of this section had been in force at all material times ;

(*c*) recovery shall be made of all such additional duties of excise which have not been collected or, as the case may be, which have been refunded but which would have been collected or, as the case may be, would not have been refunded, if the provisions of this section had been in force at all material times.

Explanation.—For the removal of doubts, it is hereby declared that no act or omission on the part of any person shall be punishable as an offence which would not have been so punishable if this section had not come into force.

CHAPTER V

MISCELLANEOUS

85. Amendment of Act 74 of 1956.—In Section 14 of the Central Sales Tax Act, 1956,—

(*a*) for item (*iia*), the following item shall be *substituted*, namely :—

"(*iia*) cotton fabrics covered under heading Nos. 52.05, 52.06

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52.07, 52.08, 52.09, 52.10, 52.11, 52.12, 58.01, 58.02, 58.03, 58.04, 58.05, 59.01, 59.03, 59.05, 59.06 and 60.01, of the Schedule to the Central Excise Tariff Act, 1985 (5 of 1986) ;" ;

(*b*) for items (*vii*), (*viii*), (*ix*) and (*x*), the following items shall be substituted, namely :—

"(*vii*) man-made fabrics covered under heading Nos. 54.08, 54.09, 54.10, 54.11, 54.12, 55.07, 55.08, 55.09, 55.10, 55.11, 55.12, 58.01, 58.02, 58.03, 58.04, 58.05, 59.01, 59.02, 59.03, 59.05, 59,06. and 60.01 of the Schedule to the Central Excise Tariff Act, 1985 (5 of 1986) ;

(*viii*) sugar covered under sub-heading Nos. 1701.20, 1701.31, 1701.39 and 1702.11 of the Schedule to the Central Excise Tariff Act, 1985 (5 of 1986) ;

(*ix*) unmanufactured tobacco and tobacco refuse covered under sub-heading No. 2401.00, cigars and cheroots of tobacoc covered under heading No. 24.02, cigarettes and cigarillos of tobacco covered under sub-heading Nos. 2403.11 and 2403.21, and and other manufactured tobacco covered under sub-heading Nos. 2404.11, 2404.12, 2404.13, 2404.19, 2404.21, 2404.29, 2404.31, 2404.39, 2404.41 and 2404.50, of the Schedule to the Central Excise Tariff Act, 1985 (5 of 1986) ;

(*x*) woven fabrics of wool covered under heading Nos. 51.06, 51.07, 58.01, 58.02, 58.03 and 58.05 of the Schedule to the Central Excise Tariff Act, 1985 (5 of 1986.)"

86. Amendment of Act 57 of 1972.—After Section 35 of the General Insurance Business (Nationalisation) Act, 1972, the following section shall be inserted with effect from the 1st day of June, 1988, namely :—

"35-A. *Deduction of income-tax not to be made on interest or dividend payable to the Corporation, etc.*—Notwithstanding anything contained in Section 193 or Section 194 of the Income-tax Act, 1961 (43 of 1961), no deduction of income-tax shall be made on any interest or dividend payable to the Corporation or to any of the four new companies formed by virtue of the schemes framed under sub-section (1) of Section 16, in respect of any securities or shares owned by the Corporation or such company or in which the Corporation or such company has full beneficial interest.".

87. Amendment of Act 11 of 1983.—In Section 40 of the Finance Act, 1983,—

(*i*) in sub-section (1), before the *Explanation*, the following proviso shall be *inserted*, namely :—

"Provided that the amount of wealth-tax computed in accordance with the provisions of this sub-section shall, in relation to the assessment year commencing on the 1st day of April, 1988, be increased by a surcharge calculated at the rate of ten per cent of such wealth-tax." ;

(*ii*) in sub-section (3), with effect from the 1st day of April, 1989,—

(*a*) in clause (*i*), the words, "not being any such precious metal or alloy held for use as raw material in industrial production" shall be inserted at the end ;

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(*b*) to clause (*v*), the following proviso shall be added, namely :—

"Provided that nothing in this clause shall apply to any unused land held by the assessee for industrial purposes for a period of two years from the date of its acquisition by him ;" ;

(*c*) for clause (*vi*), the following clauses shall be *substituted*, namely :—

"(*vi*) building or land appurtenant thereto, other than building or part thereof used by the assessee as factory, godown warehouse, cinema house, hotel or office for the purposes of its business or as a hospital, creche, school, canteen, library, recreational centre, shelter, rest-room or lunch room mainly used for the welfare of its employees or used as residential accommodation, except as provided in clauses (*via*) and (*vib*), and the land appurtenant to such building or part ;

(*via*) any building used as residential accommodation in the nature of a guest house and land appurtenant thereto ;

(*vib*) any building and the land appurtenant to such building used as residential accommodation by any director, manager, secretary or any other employee of the assessee, such employee holding not less than one per cent of the equity share of the assessee or by any relative of any person who holds not less than one per cent of the equity share of the assessee.

Explanation.— For the purposes of this clause, 'relative' shall have the meaning assigned to it in clause (*b*) of *Explanation* 1 to Section 80-F of the Income-tax Act." ;

(*d*) after clause (*viii*), the following proviso and *Explanation* shall be *inserted*, namely :—

"Provided that this section shall not apply to any asset referred to in clause (*i*), (*ii*), (*iii*), (*iv*), (*v*) or (*vi*), which is held by the assessee as stock-in-trade in a business carried on by it or, in the case of motor-cars referred to in clause (*vii*), they are held as stock-in-trade in such business or registered as taxies and used as such in a business of running motor-cars on hire carried on by the assessee.

Explanation.—Where any question arises as to whether all or any of the assets referred to in clause (*i*), (*ii*), (*iii*) or (*iv*) are held by the assessee as stock-in-trade in a business carried on by it, the question shall be decided in accordance with such directions as the Board may, by general or special order, issue for the guidance of the Assessing Officer, having regard to the ratio which the yearly turnover of a business of trading in such assets bears to the average of the stocks of such assets held from time to time during the year in such business ordinarily and other relevant factors.".

88. Amendment of Act 4 of 1988.—In the Direct Tax Laws (Amendment) Act, 1987,—

(*a*) in Section 36, clause (*a*) shall be *omitted* ;

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(*b*; in Section 37,—

(*i*) in clause (*a*), after the words, brackets and figure "in sub-section (1),", the words, figures and letters "with effect from the 1st day of April, 1988," shall be *inserted* ;

(*ii*) in clause (*b*), the words, figures and letters "with effect from from the 1st day of April, 1988 "shall be *inserted* at the end ;

(*c*) in Section 38, the words, figures and letters "with effect from the 1st day of April, 1988" shall be inserted at the end ;

(*d*) Section 92 shall be *omitted* ;

(*e*) in Section 128,—

(*i*) in clause (*i*), the words, figures and letters "with effect from the 1st day of April, 1988" shall be *inserted* at the end ;

(*ii*) in clause (*ii*), after the words "shall be *inserted*", the words, figures and letters "with effect from the 1st day of April, 1988" shall be *inserted* ;

(*iii*) in clause (*iii*), the words, figures and letters "with effect from the 1st day of April, 1988" shall be *inserted* at the end ;

(*iv*) in clause (*vii*), after the words "shall be *substituted*", the words, figures and letters "with effect from the 1st day of April, 1988" shall be *inserted* ;

(*f*) in Section 153, clause (*a*) shall be *omitted* ;

(*g*) in Section 154,—

(*i*) in clause (1),—

(*A*) in sub-clause (*b*), the words, figures and letters "with effect from the 1st day of April, 1988" shall be *inserted* at the end ;

(*B*) in sub-clause (*f*), the words, figures and letters "with effect from the 1st day of April, 1988" shall be *inserted* at the end ;

(*ii*) in Clause (2), in sub-clause (*b*), the words, figures and letters "with effect from the 1st day of April, 1988" shall be *inserted* at the end ;

(*h*) in Section 155, in clause (*a*), in sub-clause (*ii*), the words, figures and letters "with effect from the 1st day of April, 1988" shall be *inserted* at the end ;

(*i*) in Section 158, after the words "shall be *inserted*", the words figures and letters "with effect from the 1st day of April, 1988" shall be *inserted* ;

(*j*) in Section 162,—

(*i*) in Clause (*a*), the words, figures and letters "with effect from the 1st day of April, 1988" shall be *inserted* at the end ;

(*ii*) in Clause (*b*), after the words "shall be inserted", the words, figures and letters "with effect from the 1st day of April, 1988" shall be *inserted* ;

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(*iii*) for Clause (*c*), the following clause shall be *substituted*, namely :—

"(*c*) (*i*) clauses (*vi*), (*via*), (*viia*), (*xiii*), (*xv*), (*xvi*) and (*xvia*) shall be *omitted* with effect from the 1st day of April, 1988 ;

(*ii*) clause (*xvii*) shall be *omitted* ;" ;

(*iv*) in clause (*g*), after the words "shall be inserted", the words, figures and letters "with effect from the 1st day of April, 1988" shall be *inserted* ;

(*k*) in Section 182, clause (*a*) shall be *omitted*.

THE FIRST SCHEDULE

(*See* section 2)

PART I

INCOME-TAX

Paragraph A

Sub-Paragraph I

In the case of every individual or Hindu undivided family or unregistered firm or other association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (*vii*) of clause (31) of Section 2 of the Income-tax Act, not being a case to which Sub-Paragraph II of this Paragraph or any other Paragraph of this Part applies,—

Rates of income-tax

(1) where the total income does not exceed Rs. 18,000	[*Nil* ;
(2) where the total income exceeds Rs. 18,000 but does not exceed Rs. 25,000	25 per cent of the amount by which the total income exceeds Rs. 18,000 ;
(3) where the total income exceeds Rs. 25,000 but does not exceed Rs. 50,000	Rs. 1,750 *plus* 30 per cent of the amount by which the total income exceeds Rs. 25,000 ;
(4) where the total income exceeds Rs. 50,000 but does not exceed Rs. 1,00,000	Rs. 9,250 *plus* 40 per cent of the amount by which the total income exceeds Rs. 50,000 ;
(5) where the total income exceeds Rs. 1,00,000	Rs. 29,250 *plus* 50 per cent of the amount by which the total income exceeds Rs. 1,00,000

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Sub-Paragraph shall, in the case of every person having a total income exceeding fifty thousand rupees, be increased by a surcharge for purposes of the Union calculated at the rate of five per cent of such income-tax :

Provided that no such surcharge shall be payable by a non-resident.

Sub-Paragraph II

In the case of every Hindu undivided family which at any time during the previous year has at least one member whose total income of the previous year relevant to the assessment year commencing on the 1st day of April, 1988, exceeds Rs. 18,000,—

Rates of income-tax

(1) where the total income does not exceed Rs. 12,000	*Nil* ;

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(2) where the total income exceeds Rs. 12,000 but does not exceed Rs. 20,000	25 per cent of the amount by which the total income exceeds Rs. 12,000 ;
(3) where the total income exceeds Rs. 20,000 but does not exceed Rs. 40,000	Rs. 2,000 *plus* 30 per cent of the amount by which the total income exceeds Rs. 20,000 ;
(4) where the total income exceeds Rs. 40,000 but does not exceed Rs. 60,000	Rs. 8,000 *plus* 40 per cent of the amount by which the total income exceeds Rs. 40,000 ;
(5) where the total income exceeds Rs. 60,000 but does not exceed Rs. 1,00,000	Rs. 16,000 *plus* 50 per cent of the amount by which the total income exceeds Rs. 60,000 ;
(6) where the total income exceeds Rs. 1,00,000	Rs. 36,000 *plus* 55 per cent of the amount by which the total income exceeds Rs. 1,00,000.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Sub-Paragraph shall, in the case of every person having a total income exceeding fifty thousand rupees, be increased by a surcharge for purposes of the Union calculated at the rate of five per cent of such income-tax :

Provided that no such surcharge shall be payable by a non-resident.

Paragraph B

In the case of every co-operative society,—

Rates of income-tax

(1) where the total income does not exceed Rs. 10,000	15 per cent of the total income ;
(2) where the total income exceeds Rs. 10,000 but does not exceed Rs. 20,000	Rs. 1,500 *plus* 25 per cent of the amount by which the total income exceeds Rs. 10,000 ;
(3) where the total income exceeds Rs. 20,000	Rs. 4,000 *plus* 40 per cent of the amount by which the total income exceeds Rs. 20,000 ;

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph shall, in the case of every person having a total income exceeding fifty thousand rupees, be increased by a surcharge for purposes of the Union calculated at the rate of five per cent of such income-tax :

Paragraph C

Sub-Paragraph I

In the case of every registered firm, not being a case to which Sub-Paragraph II of this Paragraph applies,—

Rates of income-tax

(1) where the total income does not exceed Rs. 10,000	*Nil ;*
(2) where the total income exceeds Rs. 10,000 but does not exceed Rs. 25,000	5 per cent of the amount by which the total income exceeds Rs. 10,000 ;
(3) where the total income exceeds Rs. 25,000 but does not exceed Rs. 50,000	Rs. 750 *plus* 7 per cent of the amount by which the total income exceeds Rs. 25,000 ;
(4) where the total income exceeds Rs. 50,000 but does not exceed Rs. 1,00,000	Rs. 2,500 *plus* 15 per cent of the amount by which the total income exceeds Rs. 50,000 ;

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(5) where the total income exceeds Rs. 1,00,000	Rs. 10,000 *plus* 24 per cent of the amount by which the total income exceeds Rs. 1,00,000.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Sub-Paragraph shall, in the case of every person having a total income exceeding fifty thousand rupees, be increased by a surcharge for purposes of the Union calculated at the rate of five per cent of such income-tax.

Sub-Paragraph II

In the case of every registered firm whose total income includes income derived from a profession carried on by it and the income so included is not less than fifty-one per cent of such total income,—

Rates of income-tax

(1) where the total income does not exceed Rs. 10,000	*Nil ;*
(2) where the total income exceeds Rs. 10,000 but does not exceed Rs. 25,000	4 per cent of the amount by which the total income exceeds Rs. 10,000 ;
(3) where the total income exceeds Rs. 25,000 but does not exceed Rs. 50,000	Rs. 600 *plus* 7 per cent of the amount by which the total income exceeds Rs. 25,000 ;
(4) where the total income exceeds Rs. 50,000 but does not exceed Rs. 1,00,000	Rs. 2,350 *plus* 13 per cent of the amount by which the total income exceeds Rs. 50,000 ;
(5) where the total income exceeds Rs. 1,00,000	Rs. 8,850 *plus* 22 per cent of the amount by which the total income exceeds Rs. 1,00,000.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Sub-Paragraph shall, in the case of every person having a total income exceeding fifty thousand rupees, be increased by a surcharge for purposes of the Union calculated at the rate of five per cent of such income-tax.

Explanation.—For the purposes of this Paragraph, "registered firm" includes an unregistered firm assessed as a registered firm under clause (*b*) of Section 183 of the Income-tax Act.

Paragraph D

In the case of every local authority,—

Rate of income-tax

On the whole of the total income	50 per cent.

Surcharge on income-tax

The amount of income-tax computed at the rate hereinbefore specified shall, in the case of every person having a total income exceeding fifty thousand rupees, be increased by a surcharge for purposes of the Union calculated at the rate of five per cent of such income-tax.

Paragraph E

In the case of a company,—

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Rates of income-tax

I. In the case of a domestic company,—

(1) where the company is a company in which the public are substantially interested	50 per cent. of the total income ;
(2) where the company is not a company in which the public are substantially interested—	
(*i*) in the case of a trading company or an investment company	60 per cent of the total income ;
(*ii*) in any other case	55 per cent of the total income.

II. In the case of a company other than a domestic company,—

(*i*) on so much of the total income as consists of—	
(*a*) royalties received from Government or the Indian concern in pursuance of an agreement made by it with the Government or the Indian concern after the 31st day of March, 1961, but before the 1st day of April, 1976, or	
(*b*) fees for rendering technical services received from Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern after the 29th day of February, 1964, but before the 1st day of April, 1976,	
and where such agreement has, in either case, been approved by the Central Government	50 per cent ;
(*ii*) on the balance, if any, of the total income	65 per cent.

Surcharge on income-tax

The amount of income-tax computed in accordance with the provisions of item I of this Paragraph shall, in the case of every person having a total income exceeding fifty thousand rupees, be increased by a surcharge calculated at the rate of five per cent of such income-tax.

PART II

RATES FOR DEDUCTION OF TAX AT SOURCE IN CERTAIN CASES

In every case in which under the provisions of Sections 193, 194, 194-A, 194-B, 194-BB, 194-D and 195 of the Income-tax Act, tax is to be deducted at the rates in force, deduction shall be made from the income subject to deduction at the following rates :—

	Rate of income-tax
1. In the case of a person other than a company—	
(*a*) where the person is resident in Indja—	
(*i*) on income by way of interest other than "Interest on securities"	10 per cent ;

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	Rate of income-tax
(*ii*) on income by way of winnings from lotteries and crossword puzzles	40 per cent ;
(*iii*) on income by way of winnings from horse races	40 per cent ;
(*iv*) on income by way of insurance commission	10 per cent ;
(*v*) on income by way of interest payable on—	10 per cent ;
(*A*) any security, other than a tax-free security of the Central or a State Government ;	
(*B*) any debentures or other securities for money issued by or on behalf of any local authority or a corporation established by a Central, State or Provincial Act ;	
(*C*) any debentures issued by a company where such debentures are listed on a recognised stock exchange in India in accordance with the Securities Contracts (Regulation) Act, 1956 and any rules made thereunder ;	
(*vi*) on any other income (excluding interest payable on a tax-free security)	20 per cent ;
(*b*) where the person is not resident in India—	
(*i*) in the case of a non-resident Indian—	
(*A*) on investment income and long-term capital gains	20 per cent ;
(*B*) on income by way of interest payable on a tax-free security	15 per cent ;
(*C*) on income by way of winnings from lotteries and crossword puzzles	40 per cent ;
(*D*) on income by way of winnings from horse races	40 per cent ;
(*E*) on the whole of other income	income-tax at 30 per cent of the amount of income or income-tax in respect of the income at the rates prescribed in Sub-Paragraph 1 of Paragraph A of Part III of this Schedule, if such income had been the total income, whichever is higher ;
(*ii*) in the case of any other person—	
(*A*) on income by way of interest payable on a tax-free security	15 per cent ;
(*B*) on income by way of winnings from lotteries and crossword puzzles	40 per cent ;

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	Rate of income-tax
(*C*) on income by way of winnings from horse races	40 per cent ;
(*D*) on the whole of the other income	income-tax at 30 per cent of the amount of income or income-tax in respect of the income at the rates prescribed in Sub-Paragraph I of Paragraph A of Part III of this Schedule, if such income had been the total income, whichever is higher ;
2. In the case of a company—	
(*a*) where the company is a domestic company—	
(*i*) on income by way of interest other than "Interest on securities"	20 per cent ;
(*ii*) on income by way of winnings from lotteries and crossword puzzles	40 per cent ;
(*iii*) on income by way of winnings from horse races	40 per cent ;
(*iv*) on any other income (excluding interest payable on tax-free security)	21.5 per cent ;
(*b*) where the company is not a domestic company—	
(*i*) on income by way of dividends payable by any domestic company	25 per cent ;
(*ii*) on income by way of winnings from lotteries and crossword puzzles	40 per cent ;
(*iii*) on income by way of winnings from horse races	40 per cent ;
(*iv*) on income by way of interest payable by Government or an Indian concern on moneys borrowed or debt incurred by Government or the Indian concern in foreign currency	25 per cent ;
(*v*) on income by way of royalty payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern after the 31st day of March, 1976, where such royalty is in consideration for the transfer of all or any rights (including the granting of a licence) in respect of copyright in any book on a subject referred to in the proviso to sub-section (1*A*) of Section 115-A of the Income-tax Act, to the Indian concern	30 per cent ;
(*vi*) on income by way of royalty [not being royalty of the nature referred to in sub-item (*b*) (*v*)] payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern and which has been approved by the Central Government,—	

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	Rate of income-tax
(*A*) where the agreement is made after the 31st day of March, 1961, but before the 1st day of April, 1976	50 per cent ;
(*B*) where the agreement is made after the 31st day of March, 1976	30 per cent ;
(*vii*) on income by way of fees for technical services payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern and which has been approved by the Central Government—	
(*A*) where the agreement is made after the 29th day of February, 1964, but before the 1st day of April, 1976	50 per cent ;
(*B*) where the agreement is made after the 31st day of March, 1976	30 per cent ;
(*viii*) on income by way of interest payable on a tax-free security	44 per cent ;
(*x*) on any other income	65 per cent .

Explanation.—For the purposes of this Part, "investment income", "long-term capital gains" and "non-resident Indian" shall have the meanings assigned to them in Chapter XII-A of the Income-tax Act.

Surcharge on income-tax

The amount of income-tax deducted in accordance with the provisions of—

(*a*) sub-item (*a*) of item 1 of this Part shall be increased by a surcharge for purposes of the Union, and

(*b*) sub-item (*a*) of item 2 of this Part shall be increased by a surcharge ;

calculated at the rate of five per cent of such income-tax.

PART III

RATES FOR CALCULATING OR CHARGING INCOME-TAX IN CERTAIN CASES, DEDUCTING INCOME-TAX FROM INCOME CHARGEABLE UNDER THE HEAD "SALARIES" OR ANY PAYMENT REFERRED TO IN SUB-SECTION (1) OF SECTION AND COMPUTING "ADVANCE TAX"

In cases in which income-tax has to be calculated under the first proviso to sub-section (5) of Section 132 of the Income-tax Act or charged under sub-section (4) of Section 172 or sub-section (2) of Section 174 or Section 175 or sub-section (2) of Section 176 of the said Act or deducted under Section 192 of the said Act from income chargeable under the head "Salaries" or in which the "advance tax" payable under Chapter XVII-C of the said Act has to be computed at the rate or rates in force, such income-tax or, as the case may be, "advance tax" [not being "advance tax" in respect of any income chargeable to tax under Chapter XII or Chapter XII-A or sub-section (1-*A*) of Section 161 or Section 164 or Section 164-A or Section 167-B of the Income-tax Act at the rates as specified in that Chapter or section or surcharge on such "advance tax" in respect of any income chargeable to tax under Section 115-B], shall be calculated, charged, deducted or computed at the following rate or rates :—

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Paragraph A

Sub-Paragraph I

In the case of every individual or Hindu undivided family or unregistered firm or other association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (*vii*) of clause (31) of Section 2 of the Income-tax Act, not being a case to which Sub-Paragraph II of this Paragraph or any other Paragraph of this Part applies,—

Rates of income-tax

(1) where the total income does not exceed Rs. 18,000	*Nil* ;
(2) where the total income exceeds Rs. 18,000 but does not exceed Rs. 25,000	25 per cent of the amount by which the total income exceeds Rs. 18,000 ;
(3) where the total income exceeds Rs. 25,000 but does not exceed Rs. 50,000	Rs. 1,750 *plus* 30 per cent of the amount by which the total income exceeds Rs. 25,000 ;
(4) where the total income exceeds Rs. 50,000 but does not exceed Rs. 1,00,000	Rs. 9,250 *plus* 40 per cent of the amount by which the total income exceeds Rs. 50,000 ;
(5) where the total income exceeds Rs. 1,00,000	Rs. 29,250 *plus* 50 per cent of the amount by which the total income exceeds Rs. 1,00,000

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Sub-Paragraph shall, in the case of every person having a total income exceeding fifty thousand rupees, be increased by a surcharge for purposes of the Union calculated at the rate of five per cent of such income-tax :

Provided that no such surcharge shall be payable by a non-resident.

Sub-Paragraph II

In the case of every Hindu undivided family which at any time during the previous year has at least one member whose total income of the previous year relevant to the assessment year commencing on the 1st day of April, 1989, exceeds Rs. 18,000,—

Rates of income-tax

(1) where the total income does not exceed Rs 12,000	*Nil ;*
(2) where the total income exceeds Rs. 12,000 but does not exceed Rs. 20,000	25 per cent of the amount by which the total income exceeds Rs. 12,000 ;
(3) where the total income exceeds Rs. 20,000 but does not exceed Rs. 40,000	Rs. 2,000 *plus* 30 per cent of the amount by which the total income exceeds Rs. 20,000 ;
(4) where the total income exceeds Rs. 40,000 but does not exceed Rs. 60,000	Rs. 8,000 *plus* 40 per cent of the amount by which the total income exceeds Rs. 40,000 ;
(5) where the total income exceeds Rs. 60,000 but does not exceed Rs. 1,00,000	Rs. 16,000 *plus* 50 per cent of the amount by which the total income exceeds Rs. 60,000 ;
(6) where the total income exceeds Rs. 1,00,000	Rs. 36,000 *plus* 55 per cent of the amount by which the total income exceeds Rs. 1,00,000.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Sub-Paragraph shall, in the case of every person having a total income exceeding fifty thousand rupees, be increased by a surcharge for purposes of the Union calculated at the rate of five per cent of such income-tax :

Provided that no such surcharge shall be payable by a non-resident.

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Paragraph B

In the case of every co-operative society,—

Rates of income-tax

(1) where the total income does not exceed Rs. 10,000	15 per cent of the total income ;
(2) where the total income exceeds Rs. 10,000 but does not exceed Rs. 20,000	Rs. 1,500 *plus* 25 per cent of the amount by which the total income exceeds Rs. 10,000 ;
(3) where the total income exceeds Rs. 20,000	Rs. 4,000 *plus* 40 per cent of the amount by which the total income exceeds Rs. 20,000.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph shall, in the case of every person having a total income exceeding fifty thousand rupees, be increased by a surcharge for purposes of the Union calculated at the rate of five per cent of such income-tax.

Paragraph C

Sub-Paragraph I

In the case of every registered firm, not being a case to which Sub-Paragraph II of this Paragraph applies,—

Rates of income- tax

(1) where the total income does not exceed Rs. 10,000	*Nil* ;
(2) where the total income exceeds Rs. 10,000 but does not exceed Fs. 25,000	5 per cent of the amount by which the total income exceeds Rs. 10,000 ;
(3) where the total income exceeds Rs. 25,000 but does not exceed Rs. 50,000	Rs. 750 *plus* 7 per cent of the amount by which the total income exceeds Rs. 25,000 ;
(4) where the total income exceeds Rs. 50,000 but does not exceed Rs. 1,00,000	Rs. 2,500 *plus* 15 per cent of the amount by which the total income exceeds Rs. 50,000;
(5) where the total income exceeds Rs. 1,00,000	Rs. 10,000 *plus* 24 per cent of the amount by which the total income exceeds Rs. 1,00,000.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Sub-Paragraph shall, in the case of every person having a total income exceeding fifty thousand rupees, be increased by a surcharge for purposes of the Union calculated at the rate of five per cent, of such income-tax.

Sub-Paragraph II

In the case of every registered firm whose total income includes income derived from a profession carried on by it and the income so included is not less than fifty one per cent of such total income.

Rates of income-tax

(1) where the total income does not exceed Rs. 10,000	*Nil ;*
(2) where the total income exceeds Rs. 10,000 but does not exceed Rs. 25,000	4 per cent of the amount by which the total income exceeds Rs. 10,000 ;
(3) where the total income exceeds Rs. 25,000 but does not exceed Rs. 50,000	Rs. 600 *plus* 7 per cent of the amount by which the total income exceeds Rs. 25,000 ;

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(4) where the total income exceeds Rs. 50,000 but does not exceed Rs. 1,00,000	Rs. 2,350 *plus* 13 per cent of the amount by which the total income exceeds Rs. 50,000 ;
(5) where the total income exceeds Rs. 1,00,000	Rs. 8,850 *plus* 22 per cent of the amount by which the total income exceeds Rs. 1,00,000.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Sub-Paragraph shall, in the case of every person having a total income exceeding fifty thousand rupees, be increased by a surcharge for purposes of the Union calculated at the rate of five per cent of such income-tax.

Explanation.—For the purposes of this Paragraph, "registered firm" includes an unregistered firm assessed as a registered firm under clause (*b*) of Section 183 of the Income-tax Act.

Paragraph D

In the case of every local authority,—

Rate of income-tax

On the whole of the total income	50 per cent

Surcharge on income-tax

The amount of income-tax computed at the rate hereinbefore specified shall, in the case of every person having a total income exceeding fifty thousand rupees, be increased by a surcharge for purposes of the Union calculated at the rate of five per cent of such income-tax.

Paragraph E

In the case of a company,—

Rates of income-tax

1. In the case of a domestic company,—

(1) where the company is a company in which the public are substantially interested	50 per cent of the total income ;
(2) where the company is not a company in which the public are substantially interested—	
(*i*) in the case of a trading company or an investment company	60 per cent of the total income ;
(*ii*) in any other case	55 per cent of the total income

II. In the case of a company other than a domestic company,—

(*i*) on so much of the total income as consists of—

(*a*) royalties received from Government or an Indian concern in pursuance an agreement made by it with the Government or the Indian concern after the 31st day of March, 1961, but before the 1st day of April, 1976, or

(*b*) fees for rendering technical services received from Government or an Indian concern in pursuance of an agreement made by it with the Government, or the Indian concern after the 29th day of February, 1964, but before the 1st day of April, 1976,

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and where such agreement has, in either case, been approved by the Central Government	50 per cent ;
(*ii*) on the balance, if any, of the total income	65 per cent.

Surcharge on income-tax

The amount of income-tax computed in accordance with the provisions of item I of this Paragraph shall, in the case of every person having a total income exceeding fifty thousand rupees, be increased by a surcharge calculated at the rate of five per cent of such income-tax.

PART IV

[*See* Section 2(9)(*e*)]

RULES FOR COMPUTATION OF NET AGRICULTURAL INCOME

Rule I.—Agricultural income of the nature referred to in sub-clause (*a*) of clause (1) of Section 2 of the Income-tax Act shall be computed as if it were income chargeable to income-tax under that Act under the head "Income from other sources" and the provisions of Sections 57 to 59 of that Act shall, so far as may be, apply accordingly :

Provided that sub-section (2) of Section 58 shall apply subject to the modification that the reference to Section 40-A therein shall be construed as not including a reference to sub-sections (3) and (4) of Section 40-A.

Rule 2.—Agricultural income of the nature referred to in sub-clause (*b*) or sub-clause (*c*) of clause (1) of Section 2 of the Income-tax Act [other than income derived from any building required as a dwelling house by the receiver of the rent or revenue or the cultivator or the receiver of rent-in-kind referred to in the said sub-clause (*c*)] shall be computed as if it were income chargeable to income-tax under that Act under the head "Profits and gains of business or profession" and the provisions of Sections 30, 31, 32, 36, 37, 38, 40, 40-A [other than sub-sections (3) and (4) thereof], 41, 43, 43-A and 43-B of the Income-tax Act shall, so far as may be, apply accordingly.

Rule 3.—Agricultural income of the nature referred to in sub-clause (*c*) of clause (1) of Section 2 of the Income-tax Act, being income derived from any building required as a dwelling house by the receiver of the rent or revenue or the cultivator or the receiver of rent-in-kind referred to in the said sub-clause (*c*) shall be computed as if it were income chargeable to income-tax under that Act under the head "Income from house property" and the provisions of Sections 23 to 27 of that Act shall, so far as may be, apply accordingly.

Rule 4.—Notwithstanding anything contained in any other provisions of these rules, in a case where the assessee derives income from sale of tea grown and manufactured by him in India, such income shall be computed in accordance with Rule 8 of the Income-tax Rules, 1962, and sixty per cent of such income shall be regarded as the agricultural income of the assessee.

Rule 5.—Where the assessee is a partner of a registered firm or an unregistered firm assessed as a registered firm under clause (*b*) of Section 183 of the Income-tax Act, which in the previous year has any agrucultural income, or is a partner of an unregistered firm which has not been assessed as a registered firm under clause (*b*) of the said Section 183 and which in the previous year has either no income chargeable to tax under the Income-tax Act or has total income not exceeding the maximum amount not chargeable to tax in the case of an unregistered firm but has any agricultural income, then, the agricultural income or loss of the firm shall be computed in accordance with these rules and his share in the agricultural income or loss of the firm shall be computed in the manner laid down in sub-section (1), sub-section (2) and sub-section (3) of Section 67 of the Income-tax Act and the share so computed shall be regarded as the agricultural income or loss of the assessee.

Rule 6.—Where the assessee is a member of an association of persons or a body of individuals (other than a Hindu undivided family, a company or a firm) which in the previous year has either no income chargeable to tax under the Income-tax Act or has total income not exceeding the maximum amount not chargeable to tax in the case of an association of persons or a body of individuals (other than a Hindu undivided family, a company or a firm) but has any agricultural income, then, the agricultural income or loss of the association or body shall be computed in accordance with these rules and the share of the assessee in the agricultural income or loss so computed shall be regarded as the agricultural income or loss of the assessee.

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Rule 7.Where the result of the computation for the previous year in respect of any source of agricultural income is a loss, such loss shall be set off against the income of the assessee, if any, for that previous year from any other source of agricultural income :

Provided that where the assessee is a partner of an unregistered firm which has not been assessed as a registered firm under clause (*b*) of Section 183 of the Income-tax Act or is a member of an association of persons or a body of individuals and the share of the assessee in the agricultural income of the firm, association or body, as the case may be, is a loss, such loss shall not be set off against any income of the assessee from any other source of agricultural income.

Rule 8.—Any sum payable by the assessee on account of any tax levied by the State Government on the agricultural income shall be deducted in computing the agricultural income.

Rule 9.—(1) Where the assessee has, in the previous year relevant to the assessment year commencing on the Ist day of April, 1988, any agricultural income and the net result of the computation of the agricultural income of the assessee for any one or more of the previous years relevant to the assessment years commencing on the Ist day of April, 1980, or the Ist day of April, 1981, or the Ist day of April, 1982, or the Ist day of April, 1983, or the Ist day of April 1984, or the Ist day of April, 1985, or the Ist day of April, 1986, or the Ist day of April, 1987, is a loss, then, for the purposes of sub-section (2) of Section 2 of this Act,—

(*i*) the loss so computed for the previous year relevant to the assessment year commencing on the Ist day of April, 1980, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the Ist day of April, 1981, or the Ist day of April, 1982, or the Ist day of April, 1983, or the Ist day of April, 1984, or the Ist day of April, 1985, or the Ist day of April, 1986, or the Ist day of April, 1987,

(*ii*) the loss so computed for the previous year relevant to the assessment year commencing on the Ist day of April, 1981, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the Ist day of April, 1982, or the Ist day of April, 1983, or the Ist day of April, 1984, or the Ist day of April, 1985, or the Ist day of April, 1986, or the Ist day of April, 1987,

(*iii*) the loss so computed for the previous year relevant to the assessment year commencing on the Ist day of April, 1982, to the extent, if any, such loss has not been sent off against the agricultural income for the previous year relevant to the assessment year commencing on the Ist day of April, 1983, or the Ist day of April, 1984, or the Ist day or April, 1985, or the Ist day of April, 1986, or the Ist day of April, 1987,

(*iv*) the loss so computed for the previous year relevant to the assessment year commencing on the Ist day of April, 1983, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the Ist day of April, 1984, or the Ist day of April, 1985, or the Ist day of April, 1986, or the Ist day of April, 1987,

(*v*) the loss so computed for the previous year relevant to the assessment year commencing on the Ist day of April, 1984, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the Ist day of April, 1985, or the Ist day of April, 1986, or the Ist day of April, 1987,

(*vi*) the loss so computed for the previous year relevant to the assessment year commencing on the Ist day of April, 1985, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the Ist day of April, 1986, or the Ist day of April, 1987,

(*vii*) the loss so computed for the previous year relevant to the assessment year commencing on the Ist day of April, 1986, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the Ist day of April, 1987, and

(*viii*) the loss so computed for the previous year relevant to the assessment year commencing on the Ist day of April, 1987,

shall be set off against the agricultural income of the assessee for the previous year relevant to the assessment year commencing on the Ist day of April, 1988.

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(2) Where the assessee has, in the previous year relevant to the assessment year commencing on the Ist day of April, 1989, or, if by virtue of any provision of the Income-tax Act, income tax is to be charged in respect of the income of a period other than that previous year, in such other period, any agricultural income and the net result of the computation of the agricultural income of the assessee for any one or more of the previous years relevant to the assessment years commencing on the Ist day of April, 1981, or the Ist day of April, 1982, or the Ist day of April, 1983, or the Ist day of April, 1984, or the Ist day of April, 1985, or the Ist day of April, 1986, or the Ist day of April, 1987, or the Ist day of April, 1988, is a loss, then, for the purposes of sub-section (8) of Section 2 of this Act,—

(*i*) the loss so computed for the previous year relevant to the assessment year commencing on the Ist day of April, 1981, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the Ist day of April, 1982, or the Ist day of April, 1983, or the Ist day of April, 1984, or the Ist day of April, 1985, or the Ist day of April, 1986, or the Ist day of April, 1987, or the Ist day of April, 1988,

(*ii*) the loss so computed for the previous year relevant to the assessment year commencing on the Ist day of April, 1982, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the Ist day of April, 1983, or the Ist day of April, 1984, or the Ist day of April, 1985, or the Ist day of April, 1986, or the Ist day of April, 1987, or the Ist day of April, 1988,

(*iii*) the loss so computed for the previous year relevant to the assessment year commencing on the Ist day of April, 1983, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the Ist day of April, 1984, or the Ist day of April, 1985, or the Ist day of April, 1986, or the Ist day of April, 1987, or the Ist day of April, 1988,

(*iv*) the loss so computed for the previous year relevant to the assessment year commencing on the Ist day of April, 1984, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the Ist day of April, 1985, or the Ist day of April, 1986, or the Ist day of April, 1987, or the Ist day of April, 1988,

(*v*) the loss so computed for the previous year relevant to the assessment year commencing on the Ist day of April, 1985, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the Ist day of April, 1986, or the Ist day of April, 1987, or the Ist day of April, 1988,

(*vi*) the loss so computed for the previous year relevant to the assessment year commencing on the Ist day of April, 1986, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the Ist day of April, 1987, or the Ist day of April, 1988,

(*vii*) the loss so computed for the previous year relevant to the assessment year commencing on the Ist day of April, 1987, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the Ist day of April, 1988, and

(*viii*) the loss so computed for the previous year relevant to the assessment year commencing on the Ist day of April, 1988,

shall be set off against the agricultural income of the assessee for the previous year relevant to the assessment year commencing on the Ist day of April, 1989.

(3) Where a change has occurred in the constitution of a firm, nothing in sub-rule (1) or sub-rule (2) shall entitle the firm to set off so much of the loss proportionate to the share of a retired or deceased partner computed in the manner laid down in sub-section (1), sub-section (2) and sub-section (3) of Section 67 of the Income-tax Act as exceeds his share of profits, if any, of the previous year in the firm, or entitle any partner to the benefit of any portion of the said loss (computed in the manner aforesaid) which is not apportionable to him.

(4) Where any person deriving any agricultural income from any source has been succeeded in such capacity by another person, otherwise than by inheritance, nothing in sub-rule (1) or sub-rule (2) shall entitle any person, other than the person incurring the loss, to have it set off under sub-rule (1) or, as the case may be, sub-rule (2).

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(5) Notwithstanding anything contained in this rule, no loss which has not been determined by the Assessing Officer under the provisions of these rules or the rules contained in Part IV of the First Schedule to the Finance (No. 2) Act, 1980 (44 of 1980), or of the First Schedule to the Finance Act, 1981 (16 of 1981), or of the First-Schedule to the Finance Act, 1982 (14 of 1982), or of the First Schedule to the Finance Act, 1983 (11 of 1983), or of the First Schedule to the Finance Act, 1984 (21 of 1984), or of the First Schedule to the Finance Act, 1985 (32 of 1985), or of the First Schedule to the Finance Act, 1986 (23 of 1986), or of the First Schedule to the Finance Act, 1987 (11 of 1987), shall be set off under sub-rule (1) or, as the case may be, sub-rule (2).

Rule 10.—Where the net result of the computation made in accordance with these rules is a loss, the loss so computed shall be ignored and the net agricultural income shall be deemed to be *nil*.

Rule 11.—The provisions of the Income-tax Act relating to procedure for assessment (including the provisions of Section 288-A relating to rounding off of income) shall, with the necessary modifications, apply in relation to the computation of the net agricultural income of the assessee as they apply in relation to the assessment of the total income.

Rule 12.—For the purposes of computing the net agricultural income of the assessee, the Assessing Officer shall have the same powers as he has under the Income-tax Act for the purposes of assessment of the total income.

THE SECOND SCHEDULE

(*See* Section 76)

In the First Schedule to the Customs Tariff Act,—

(*i*) in Chapter 8,—

(1) in sub-heading Nos. 0802.11 and 0802.12, for the entries in columns (4) and (5), the entries "100% *plus* Rs. 50 per Kg." and "90% *plus* Rs. 50 per Kg." shall, respectively, be substituted ;

(2) in sub-heading No. 0802.50, for the entries in columns (4) and (5), the entries "200% *plus* Rs. 25 per Kg." and "190% *plus* Rs. 25 per Kg." shall, respectively, be substituted ;

(3) in sub-heading No. 0806.20, for the entries in columns (4) and (5), the entries "100% *plus* Rs. 50 per Kg." and "90% *plus* Rs. 50 per Kg." shall, respectively, be substituted ;

(4) in sub-heading No. 0813.50, for the entries in columns (4) and (5), the entries "200% *plus* Rs. 25 per Kg." and "190% *plus* Rs. 25 per Kg." respectively, be substituted ;

(*ii*) in Chapter 12, in sub-heading No. 1207.10, for the entries in columns (4) and (5), the entries "200%" and "190%" shall, respectively, be substituted ;

(*iii*) in Chapter 22, in sub-heading No. 2208.10, for the entry in column (4), the entry "Rs. 80 per litre or 270%, whichever is higher" shall be substituted ;

(*iv*) In Chapter 26, in sub-heading Nos. 2620.11 and 2620.19, for the entry in column (4), the entry "150%" shall be substituted ;

(*v*) in Chapter 28, in sub-heading Nos. 2801.10, 2801.20, 2801.30, 2802.00, 2803.00, 2804.10, 2804.21, 2804.29, 2804.30, 2804.40, 2804.50, 2804.61, 2804.69, 2804.70, 2804.80, 2804.90, 2805.11, 2805.19, 2805.21, 2805.22, 2805.30, 2805.40, 2806.10, 2806.20, 2807.00, 2808.00, 2809.10, 2809.20, 2810.00, 2811.11, 2811.19, 2811.21, 2811.22, 2811.23, 2811.29, 2812.10, 2812.90, 2813.10, 2813.90, 2814.10, 2814.20, 2815.11, 2815.12, 2815.20, 2815.30, 2816.10, 2816.20, 2816.30, 2817.00, 2818.10, 2818.20, 2818.30, 2819.10, 2819.90, 2820.10, 2820.90, 2821.10, 2821.20, 2822.00, 2823.00, 2824.10, 2824.20, 2824.90, 2825.10, 2825.20, 2825.30, 2825.40, 2825.50, 2825.60, 2825.70, 2825.80, 2825.90, 2826.11, 2826.12, 2826.19, 2826.20, 2826.30, 2826.90, 2827.10, 2827.20, 2827.31, 2827.32, 2827.33, 2827.34, 2827.35, 2827.36, 2827.37, 2827.38, 2827.39, 2827.41, 2827.49, 2827.51, 2827.59, 2827.60, 2828.10, 2828.90, 2829.11, 2829.19, 2829.90, 2830.10, 2830.20, 2830.30, 2830.90, 2831.10, 2831.90, 2832.10, 2832.20, 2832.30, 2833.11, 2833.19, 2833.21, 2833.22, 2833.23, 2833.24, 2833.25, 2833.26, 2833.27, 2833.29, 2833.30, 2833.40, 2834.10, 2834.21,

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2834.22, 2834.29, 2835.10, 2835.21, 2835.22, 2835.23, 2835.24, 2835.25, 2835.26, 2835.29, 2835.31, 2835.39, 2836.10, 2836.20, 2836.30, 2836.40, 2836.50, 2836.60, 2836.70, 2836.91, 2836.92, 2836.93, 2836.99, 2837.11, 2837.19, 2837.20, 2838.00, 2839.11, 2839.19, 2839.20, 2839.90, 2840.11, 2840.19, 2840.20, 2840.30, 2841.10, 2841.20, 2841.30, 2841.40, 2841.50, 2841.60, 2841.70, 2841.80, 2841.90, 2842.10, 2842.90, 2843.10, 2843.21, 2843.29, 2843.30, 2843.90, 2844.10, 2844.20, 2844.30, 2844.40, 2844.50, 2845.10, 2845.90, 2846.10, 2846.90, 2847.00, 2848.10, 2848.90, 2849.10, 2849.20, 2849.90, 2850.00 and 2851.00, for the entry in column (4), the entry "100% *plus* Rs. 25 per Kg." shall be substituted ;

(*vi*) in Chapter 29,—

(1) in sub-heading Nos. 2901.10, 2901.21, 2901.22, 2901.23, 2901.24, 2901.29, 2902.11, 2902.19, 2902.41, 2902.42, 2902.43, 2902.50, 2902.70, 2902.90, 2903.11, 2903.12, 2903.13, 2903.14, 2903.15, 2903.16, 2903.19, 2903.21, 2903.22, 2903.23, 2903.29, 2903.30, 2903.40, 2903.51, 2903.59, 2903.61, 2903.62, 2903.69, 2904.10, 2904.20, 2904.90, 2905.11, 2905.12, 2905.13, 2905.14, 2905.15, 2905.16, 2905.17, 2905.19, 2905.21, 2905.22, 2905.29, 2905.31, 2905.32, 2905.39, 2905.41, 2905.42, 2905.43, 2905.44, 2905.49, 2905.50, 2906.11, 2906.12, 2906.13, 2906.14, 2906.19, 2906.21, 2906.29, 2907.11, 2907.12, 2907.13, 2907.14, 2907.15, 2907.19, 2907.21, 2907.22, 2907.23, 2907.29, 2907.30, 2908.10, 2908.20, 2908.90, 2909.11, 2909.19, 2909.20, 2909.30, 2909.41, 2909.42, 2909.43, 2909.44, 2909.49, 2909.50, 2909.60, 2910.10, 2910.20, 2910.30, 2910.90, 2911.00, 2912.11, 2912.12, 2912.13, 2912.19, 2912.21, 2912.29, 2912.30, 2912.41, 2912.42, 2912.49, 2912.50, 2912.60, 2913.00, 2914.11, 2914.12, 2914.13, 2914.19, 2914.22, 2914.23, 2914.29, 2914.30, 2914.41, 2914.49, 2914.50, 2914.61, 2914.70, 2915.11, 2915.12, 2915.13, 2915.21, 2915.22, 2915.23, 2915.24, 2915.29, 2915.31, 2915.32, 2915.33, 2915.34, 2915.35, 2915.39, 2915.40, 2915.50, 2915.60, 2915.70, 2915.90, 2916.11, 2916.12, 2916.13, 2916.14, 2916.15, 2916.19, 2916.20, 2916.31, 2916.32, 2916.33, 2916.39, 2917.11, 2917.12, 2917.13, 2917.14, 2917.19, 2917.20, 2917.31, 2917.32, 2917.33, 2917.34, 2917.35, 2917.39, 2918.11, 2918.12, 2918.13, 2918,14, 2918.15, 2918.16, 2918.17, 2918.19, 2918.21, 2918,22, 2918.23, 2918.29, 2918.30, 2918.90, 2919.00, 2920.10, 2920.90, 2921.11, 2921.12, 2921.19, 2921.21, 2921.22, 2921.29, 2921.30, 2921.44, 2921.49, 2921.51, 2922.11, 2922.12, 2922.13, 2922.19, 2922.21, 2922.22, 2922.29, 2922.30, 2922.41, 2922.42, 2922.49, 2923.10, 2923.20, 2923.90, 2924.10, 2924.21, 2924.29, 2925.19, 2925.20, 2926.10, 2926.20, 2926.90, 2927.00, 2928.00, 2929.10, 2929.90, 2930.10, 2930.20, 2930.30, 2930.40, 2930.90, 2931.00, 2932.11, 2932.12, 2932.13, 2932.19, 2932.21, 2932.29, 2932.90, 2933.11, 2933.19, 2933.21, 2933.29, 2933.31, 2933.39, 2933.40, 2933.51, 2933.59, 2933.61, 2933.69, 2933.79, 2933.90, 2934.10, 2934.20, 2934.30, 2934.90 and 2935.00 for the entry in column (4), the entry "100% *plus* Rs. 25 per Kg." shall be substituted.

(2) in sub-heading Nos. 2936.10, 2936.21, 2936.22, 2936.23, 2936.24, 2936.25, 2936.26, 2936.27, 2936.28, 2936.29 and 2936.90, for the entries in columns (4) and (5), the entries "100% *plus* Rs. 25 per Kg." and "94% *plus* Rs. 25 per Kg." shall, respectively, be substituted ;

(3) in sub-heading Nos. 2937.10, 2937.21, 2937.22, 2937.29, 2937.91, 2937.92 and 2937.99, for the entries in columns (4) and (5), the entries "100% *plus* Rs. 25 per Kg." and "90% *plus* Rs. 25 per Kg." shall, respectively, be substituted ;

(4) in sub-heading Nos. 2938.10, 2938.90, 2939.10, 2939.21, 2939.29 and 2939.30, for the entry in column (4), the entry "100% *plus* Rs. 25 per Kg." shall be substituted ;

(5) in sub-heading Nos. 2939.40 and 2939.50, for the entries in columns (4) and (5), the entries "100% *plus* Rs. 25 per Kg." and "90% *plus* Rs. 25 per Kg." shall, respectively, be substituted ;

(6) in sub-heading Nos. 2939.60, 2939.70, 2939.90 and 2940.00, for the entry in column (4), the entry "100% *plus* Rs. 25 per Kg." shall be substituted ;

(7) in sub-heading Nos. 2941.10, 2941.20, 2941.30, 2941.40, 2941.50 and 2941.90, for the entries in columns (4) and (5), the entries "100% *plus* Rs. 25 per Kg." and "94% *plus* Rs. 25 per Kg." shall, respectively, be substituted ;

(8) in sub-heading No. 2942.00, for the entry in column (4), the entry "100% *plus* Rs. 25 per Kg." shall be substituted ;

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(*vii*) in Chapter 38,—

(1) in sub-heading No. 3801.10, for the entries in columns (4) and (5), the entries "100% *plus* Rs. 25 per Kg." and "90% *plus* Rs. 25 per Kg." shall, respectively, be substituted ;

(2) in sub-heading Nos. 3801.20, 3801.30 and 3801.90, for the entry in column (4), the entry "100% *plus* Rs. 25 per Kg." shall be substituted ;

(3) in sub-heading No. 3802.10, for the entries in columns (4) and (5), the entries "100% *plus* Rs. 25 per Kg." and '90% *plus* Rs. 25 per Kg." shall respectively, be substituted ;

(4) in sub-heading Nos. 3802.90, 3803.00, 3804.00, 3805.10, 3805.20, 3805.90, 3806.10, 3806.20, 3806.30, 3806.90, 3807.00, 3808.10, 3808.20, 3808.30, 3808.40, 3808.90, 3809.10, 3809.91, 3809.92, 3809.99, 3810.10, 3810.90, 3811.11, 3811.19, 3811.21, 3811.29 and 3811.90, for the entry in column (4), the entry "100% *plus* Rs. 25 per Kg." shall be substituted ;

(5) in sub-heading No. 3812.10, for the entries in columns (4) and (5), the entries "100% *plus* Rs. 25 per Kg." and "90% *plus* Rs. 25 per Kg." shall respectively, be substituted ;

(6) in sub-heading Nos. 3812.20, 3812.30, 3813.00 and 3814.00, for the entry in column (4), the entry "100 % *plus* Rs. 25 per Kg." shall be substituted ;

(7) in sub-heading Nos. 3815.11 and 3815.12, for the entries in columns (4) and (5), the entries "100% *plus* Rs. 25 per Kg." and "90% *plus* Rs. 25 per Kg." shall, respectively, be substituted ;

(8) in sub-heading Nos. 3815.19, 3815.90, 3816.00, 3817.10, 3817.20, 3818.00, 3819.00, 3820.00, 3821.00, 3822.00, 3823.10, 3823.20, 3823.30, 3823.40, 3823.50, 3823.60 and 3823.90, for the entry in column (4), the entry "100% *plus* Rs. 25 per Kg." shall be substituted ;

(*viii*) in Chapter 39, in sub-heading Nos. 3919.10 and 3919.90, for the entry in column (4), the entry "100% *plus* Rs. 100 per Kg." shall be substituted ;

(*ix*) in Chapter 89,—

(1) for the word "NOTE", occurring below the title of the Chapter, the word "NOTES" shall be substituted ;

(2) the existing NOTE shall be numbered as NOTE 1, and after NOTE 1 as so numbered, the following NOTE shall be inserted, namely :—

'2. in heading No. 89.08 "Light Displacement Tonnage (LDT)" means LDT in metric tonnes as per Builder's Registered LDT referred to in the Stability Book or the builder's certificate at the time of initial commissioning of the vessel or the floating structure :

Provided that in case of any change in the LDT, the highest of the LDT indicated in any of the documents referred to above shall be taken for the purpose of levy of duty.';

(*x*) in Chapter 99, in heading No. 99.12, in column (3), for the words "TRADE CATALOGUES AND ADVERTISEMENTS CIRCULARS", the words "COMMERCIAL CATALOGUES IN BOOK FORM" shall be substituted.

THE THIRD SCHEDULE

(*See* Section 81)

PART I

In the Schedule to the Central Excise Tariff Act—

(1) in Chapter 9,—

(*a*) in sub-heading No. 0902.11, for the entry in column (4), the entry "Rs. 2.50 per kilogram" shall be substituted ;

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(*b*) in sub-heading No. 0902.12, for the entry in column (4), the entry "Rs. 3.25 per kilogram" shall be substituted ;

(*c*) in sub-heading No. 0902.13, for the entry in column (4), the entry "15%" shall be substituted ;

(2) in Chapter 15, in sub-heading No. 1508.90, for the entry in column (4), the entry "Rs. 1,900 per tonne" shall be substituted ;

(3) in Chapter 21,—

(*a*) in sub-heading No. 2101.10, for the entry in column (4), the entry "30%" shall be substituted ;

(*b*) in sub-heading No. 2101.20, for the entry in column (4), the entry "15%" shall be substituted ;

(*c*) in sub-heading No. 2106.11, for the entry in column (4), the entry "25% *plus* Rs. 40 per kilogram" shall be substituted ;

(4) in Chapter 22,—

(*a*) in sub-heading Nos. 2201.11 and 2201.12, in column (4), for the figures and word "25 paise", the figures and word "50 paise" shall be substituted ;

(*b*) in sub-heading No. 2202.11, for the entry in column (4), the entry "75 paise" shall be substituted ;

(*c*) in sub-heading No. 2202.12, for the entry in column (4), the entry "80 paise" shall be substituted ;

(*d*) in sub-heading No. 2202.13, for the entry in column (4), the entry "90 paise" shall be substituted ;

(*e*) in sub-heading No. 2202.14, in column (4), for the figures and word "65 paise", the figures and word "90 paise" shall be substituted ;

(5) In Chapter 26, for NOTES 2 and 3, the following NOTES shall be substituted, namely :—

"2. For the purposes of heading Nos. 26.01 to 26.17, the term 'Ores' means minerals of mineralogical species actually used in the metallurgical industry for the extraction of mercury, of the metals of heading No. 28.44 or of the metals of Section XIV or XV, even if they are intended for non-metallurgical purposes. Heading Nos. 26.01 to 26.17 do not, however, include minerals which have been submitted to processes not normal to the metallurgical industry.

3. Heading No. 26.20 applies only to ash and residues of a kind used in industry either for the extraction of metals or as a basis for the manufacture of chemical compounds of metals." ;

(6) in Chapter 27,—

(*a*) in NOTE 3, for the figures and word "2707.91, 2707.92, 2707.93, 2707.94 and 2707.95", the figures and word "2707.10, 2707.20, 2707.30, 2707.40 and 2707.50" shall be substituted ;

(*b*) in sub-heading Nos. 2701.00, 2702.00, 2703.00, 2704.00, 2705.00, 2707.40, 2708.19 and 2709.00, for the entry in column (4), the entry "15%" shall be substituted ;

(*c*) in sub-heading No. 2710.50, for the entry in column (4), the entry "Rs. 145 per kilolitre at 15°C" shall be substituted ;

(*d*) in sub-heading No. 2710.94, for the entry in column (4), the entry "Rs. 620 per tonne" shall be substituted ;

(*e*) in sub-heading Nos. 2711.11 and 2711.21, for the entry in column (4), the entry "15%" shall be substituted ;

(*f*) in sub-heading No. 2713.21 for the entry in column (4), the entry "Rs. 160 per tonne' shall be substituted ;

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(*g*) in sub-heading No. 2713.22, for the entry in column (4), the entry "Rs. 110 per tonne" shall be substituted ;

(*h*) in sub-heading No. 2714.11, for the entry in column (4), the entry "Rs. 160 per tonne" shall be substituted ;

(*i*) in sub-heading No. 2714.12, for the entry in column (4), the entry "Rs. 110 per tonne" shall be substituted ;

(*j*) in sub-heading No. 2714.90, for the entry in column (4), the entry "15%" shall be substituted ;

(*k*) in sub-heading No. 2715.11, for the entry in column (4), the entry "Rs. 160 per tonne" shall be substituted ;

(*l*) in sub-heading No. 2715.90, for the entry in column (4), the entry "15%" shall be substituted ;

(7) in Chapter 29, in sub-heading Nos. 2941.10, 2941.20, 2941.30, 2941.40, 2941.50 and 2941.90, for the entry in column (4), the entry "15%" shall be substituted ;

(8) in Chapter 30, NOTE 6 shall be omitted ;

(9) in Chapter 36, in sub-heading No. 3602.00, for the entry in column (4), the entry "20%" shall be substituted ;

(10) in Chapter 37,—

(*a*) in sub-heading Nos. 3701.20 and 3702.20, for the entry in column (4), the entry "Rs. 1.50 per metre" shall be substituted ;

(*b*) in sub-heading No. 3702.90, for the entry in column (4), the entry "20% *plus* Rs. 24 per square metre" shall be substituted ;

(11) in Chapter 39,—

(*a*) for NOTE 6, the following NOTE shall be substituted, namely :—

'6. (*a*) In heading Nos. 39.01 to 39.14, the expression "primary forms" applies only to the following forms :—

(*i*) Liquids and pastes, including dispersions (emulsions and suspensions) and solutions ;

(*ii*) Blocks of irregular shape, lumps, powders (including moulding powders), granules, flakes and similar bulk forms.

(*b*) Notwithstanding anything contained in NOTE 3 to this Chapter, heading Nos. 39.01 to 39.14 shall also include primary forms obtained from conversion of another primary form, falling under the same heading, and such conversion shall amount to "manufacture". ;

(*b*) for NOTE 13, the following NOTE shall be substituted, namely :—

'13. Notwithstanding anything contained in NOTE 12 to this Chapter, in heading Nos. 39.09, 39.21, 39.23, 39.24, 39.25 and 39.26, "rigid polyurethane foam" means cellular polyurethane with compressive strength of 0.418 to 28.14 Kg./Cm^2 and flexural strength of 1.05 to 28.14 Kg/Cm^2 when tested in accordance with American Standard (Designation ASTM-D-2341).' ;

(*c*) after NOTE 14, the following NOTE shall be inserted, namely :—

'15. For the purposes of heading Nos. 39.19, 39.20 and 39.21, the expression "film" means shettings of thickness not exceeding 0.25 millimetres.' ;

(*d*) in sub-heading Nos. 3909.60 and 3926.10, in column (4), for the figures and abbreviation "75%", the figures, abbreviations and words "60% *plus* Rs. 40 per kilogram" shall be substituted.

(12) in Chapter 40, in sub-heading No. 4011.10, for the entry in column (4), the entry "60%" shall be substituted ;

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(13) in Chapter 48,—

(*a*) for NOTE 3, the following NOTE shall be substituted, namely :—

'3. In this Chapter "newsprint" means paper intended for the printing of newspapers.' ;

(*b*) for NOTE 8, the following NOTES shall be substituted, namely :—

"8. Heading No. 48.20 does not cover loose sheets or cards, cut to size, whether or not printed, embossed or perforated.

9. Heading No. 48.23 applies, *inter alia*, to perforated paper or paperboard cards for jacquard or similar machines and paper lace.

10. Except for the goods of heading No. 48.14 or 48.21, paper, paperboard, cellulose wadding and articles thereof, printed with motifs, characters or pictorial representations, which are not merely incidental to the primary use of the goods, fall in Chapter 49." ;

(*c*) in sub-heading No. 4811.90, in column (4), for the figures, abbreviations and word "10% *plus* Rs. 2,000", the figures, abbreviations and word "35% *plus* Rs. 2,000" shall be substituted ;

(14) in Chapter 52,—

(*a*) NOTES 3 and 4 shall be omitted ;

(*b*) NOTES 5 and 6 shall be renumbered as NOTES 3 and 4, respectively ;

(*c*) in sub-heading No. 5203.33, for the entry in column (4), the entry "26.40 paise *plus* 3.52 paise per count per kilogram exceeding 35" shall be substituted ;

(*d*) in sub-heading No. 5203.34, for the entry in column (4), the entry "61.60 paise *plus* 5.28 paise per count per kilogram exceeding 45" shall be substituted ;

(*e*) in sub-heading No. 5203.35, for the entry in column (4), the entry "114.40 paise *plus* 2.64 paise per count per kilogram exceeding 55" shall be substituted ;

(*f*) in sub-heading No. 5203.43, for the entry in column (4), the entry "114.40 paise *plus* 5.28 paise per count per kilogram exceeding 35" shall be substituted ;

(*g*) sub-heading Nos. 5206.10 and 5206.20 and the entries relating thereto shall be omitted ;

(*h*) sub-heading Nos. 5206.31, 5206.32, 5206.33, 5206.34, 5206.35 and 5206.36 shall be renumbered as sub-heading Nos. 5206.11, 5206.12, 5206.13, 5206.14, 5206.15 and 5206.16, respectively ;

(15) in Chapter 70,—

(*a*) in NOTE 1, in item (*c*), for the words "fittings or insulating material", the words "fittings of insulating material" shall be substituted ;

(*b*) in heading No. 70.14, in column (4), for the figures and abbreviation "30%", the figures and abbreviation "35%" shall be substituted ;

(16) in Section XV, for the NOTE, the following NOTES shall be substituted, namely:—

NOTES

1. This Section does not cover :

(*a*) Prepared paints, inks or other products with a basis of metallic flakes or powder (heading Nos. 32.07 to 32.10, 32.12, 32.13 or 32.15) ;

(*b*) Ferro-cerium or other pyrophoric alloys (heading No. 36.06) ;

(*c*) Headgear or parts thereof of Chapter 65 ;

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(*d*) Umbrella frames or other articles of Chapter 66 ;

(*e*) Goods of Chapter 71 (for example, precious metal alloys, base metal clad with precious metal, imitation jewellery) ;

(*f*) Articles of Section XVI (machinery, mechanical appliances and electrical goods) ;

(*g*) Assembled railway or tramway track (heading No. 86.08) or other articles of Section XVII (vehicles, ships and boats, aircraft) ;

(*h*) Instruments or apparatus of Section XVIII, including clock or watch springs ;

(*ij*) Lead shot prepared for ammunition (heading No. 93.06) or other articles of Section XIX (arms and ammunition) ;

(*k*) Articles of Chapter 94 (for example, furniture, mattress supports, lamps and lighting fittings, illuminated signs, prefabricated buildings) ;

(*l*) Articles of Chapter 95 (for example, toys, games, sports requisites) ; or

(*m*) Hand sieves, buttons, pens, pencil-holders, pen nibs or other articles of Chapter 96 (miscellaneous manufactured articles).

2. Throughout this Schedule, the expression "parts of general use" means :

(*a*) Articles of heading Nos. 73.07, 73.12, 73.15, 73.17 or 73.18 and similar articles of other base metal ;

(*b*) Springs and leaves for springs, of base metal, other than clock or watch springs (heading No. 91.14) ; and

(*c*) Articles of heading Nos. 83.01, 83.02, 83.08, 83.10 and frames and mirrors, of base metal, of heading No. 83.06.

In Chapters 73 to 78 and 76 to 82 (but not in heading No. 73.15) references to parts of goods do not include references to parts of general use as defined above.

Subject to the preceding paragraph and to NOTE 1 to Chapter 83, the articles of Chapter 82 or 83 are excluded from Chapters 72 to 76 and 78 to 81.

3. Classification of alloys (other than ferro-alloys and master-alloys as defined in Chapters 72 and 74) ;

(*a*) An alloy of base metals is to be classified as an alloy of the metal which predominates by weight over each of the other metals ;

(*b*) An alloy composed of base metals of this Section and of elements not falling within this Section is to be treated as an alloy of base metals of this Section if the total weight of such metals equals or exceeds the total weight of the other elements present ;

(*c*) In this Section the term "alloys" includes sintered mixtures of metal powders, heterogeneous intimate mixtures obtained by melting (other than cermets) and intermetallic compounds.

4. Unless the context otherwise requires, any reference in this Schedule to a base metal includes a reference to alloys which, by virtue of NOTE 3 above, are to be classified as alloys of that metal.

5. Classification of composite articles :

Except where the headings otherwise require, articles of base metal (including articles of mixed materials treated as articles of base metal under the Interpretative Rules) containing two or more base metals are to be treated as articles of the base metal predominating by weight over each of the other metals. For this purpose :

(*a*) Iron and steel, or different kinds of iron or steel, are regarded as one and the same metal ;

(*b*) An alloy is regarded as being entirely composed of that metal as an alloy of which, by virtue of NOTE 3, it is classified ; and

(*c*) A cermet of heading No. 81.13 is regarded as a single base metal.

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6. In this Section, the following expressions have the meanings hereby assigned to them :

(*a*) WASTE AND SCRAP :

Metal waste and scrap from the manufacture or mechanical working of metals, and metal goods definitely not usable as such because of breakage, cutting-up, wear or other reasons.

(*b*) POWDERS :

Products of which 90% or more by weight passes through a sieve having a mesh aperture of 1 mm. ;

(17) in Chapter 72, for the NOTES, the following NOTES shall be substituted, namely :—

NOTES

1. In this Chapter and, in the case of Notes (*d*), (*e*) and (*f*) throughout this Schedule, the following expressions have the meanings hereby assigned to them :

(*a*) PIG IRON :

Iron-carbon alloys not usefully malleable, containing more than 2% by weight of carbon and which may contain by weight one or more other elements within the following limits :

— not more than 10% of chromium

— not more than 6% of manganese

— not more than 3% of phosphorus

— not more than 8% of silicon

— a total of not more than 10% of other elements.

(*b*) SPIEGELEISEN :

Iron-carbon alloys containing by weight more than 6% but not more than 30% of manganese and otherwise conforming to the specification at (*a*) above.

(*c*) FERRO-ALLOYS :

Alloys in pigs, blocks, lumps or similar primary forms, in forms obtained by continuous casting and also in granular or powder forms, whether or not agglomerated, commonly used as an additive in the manufacture of other alloys or as de-oxidants, de-sulphurising agents or for similar uses in ferrous metallurgy and generally not usefully malleable, containing by weight 4% or more of the element iron and one or more of the following :

— more than 10% of chromium

— more than 30% of manganese

— more than 3% of phosphorus

— more than 8% of silicon

— a total of more than 10% of other elements, excluding carbon, subject to a maximum content of 10% in the case of copper.

(*d*) STEEL :

Ferrous materials other than those of heading No. 72.03 which (with the exception of certain types produced in the form of castings) are usefully malleable and which contain by weight 2% or less of carbon. However, chromium steels may contain higher proportions of carbon.

(*e*) STAINLESS STEEL :

Alloy steels containing, by weight, 1.2% or less of carbon and 10.5% or more of chromium, with or without other elements.

(*f*) OTHER ALLOY STEEL :

Steels not complying with the definition of stainless steel and containing by weight one or more of the following elements in the proportion shown :

— 0.3% or more of aluminium

— 0.0008% or more of boron

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—0.3% or more of chromium
— 0.3% or more of cobalt
— 0.4% or more of copper
— 0.4% or more of lead
— 1.65% or more of manganese
— 0.08% or more of molybdenum
— 0.3% or more of nickel
— 0.06% or more of niobium
— 0.6% or more of silicon
— 0.05% or more of titanium
— 0.3% or more of tungsten (wolfram)
— 0.1% or more of vanadium
— 0.05% or more of zirconium
— 0.1% or more of other elements (except sulphur, phosphorus, carbon and nitrogen), taken separately.

(*g*) REMELTING SCRAP INGOTS OF IRON OR STEEL :

Products roughly cast in the form of ingots without feeder-heads or hot tops, or of pigs, having obvious surface faults and not complying with the chemical composition of pig iron, spiegeleisen or ferro-alloys.

(*h*) GRANULES :

Products of which less than 90% by weight passes through a sieve with a mesh aperture of 1 mm and of which 90% or more by weight passes through a sieve with a mesh aperture of 5 mm.

(*ij*) SEMI-FINISHED PRODUCTS :

Continuous cast products of solid section, whether or not subjected to primary hot-rolling ; and

Other products of solid section, which have not been further worked than subjected to primary hot-rolling or roughly shaped by forging, including blanks for angles, shapes or sections.

These products are not presented in coils.

(*k*) FLAT-ROLLED PRODUCTS :

Rolled products of solid rectangular (other than square) cross-section, which do not conform to the definition at (*ij*) above in the form of :

—coils of successively superimposed layers, or

—straight lengths, which if of a thickness less than 4.75 mm are of a width measuring at least ten times the thickness or if of a thickness of 4.75 mm or more are of a width which exceeds 150 mm and measures at least twice the thickness.

Flat-rolled products include those with patterns in relief derived directly from rolling (for example, grooves, ribs, chequers, tears, buttons, lozenges) and those which have been perforated, corrugated or polished, provided that they do not thereby assume the character of articles or products of other headings.

Flat-rolled products of a shape other than rectangular or square, of any size are to be classified as products of a width of 600 mm or more, provided that they do not assume the character of articles or products of other headings.

(*l*) BARS AND RODS, HOT-ROLLED, IN IRREGULARLY WOUND COILS :

Hot-rolled products in irregularly wound coils, which have a solid cross-section in the shape of circles, segments of circles, ovals, rectangles (including squares), triangles or other convex polygons. These products may have indentations, ribs, grooves or other deformations produced during the rolling process (reinforcing bars and rods) ;

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(*m*) OTHER BARS AND RODS :

Products which do not conform to any of the definitions at (*ij*), (*k*) or (*l*) above or to the definition of wire, which have a uniform solid cross-section along their whole length in the shape of circles, segments of circles, ovals, rectangles (including squares), triangles or other convex polygons. These products may :

have indentations, ribs, grooves or other deformations produced during the rolling process (reinforcing bars and rods) :

—be twisted after rolling.

(*n*) ANGLES, SHAPES AND SECTIONS :

Products having a uniform solid cross-section along their whole length which do not conform to any of the definitions at (*ij*), (*k*), (*l*) or (*m*), above or to the definition of wire.

Chapter 72 does not include products of heading No. 73.01 or 73.02.

(*o*) WIRE :

Cold-formed products in coils, of any uniform solid cross-section along their whole length, which do not conform to the definition of flat-rolled products.

(*p*) HOLLOW DRILL BARS AND RODS :

Hollow bars and rods of any cross-section, suitable for drills, of which the greatest external dimension of the cross-section exceeds 15 mm. but does not exceed 52 mm., and of which the greatest internal dimension does not exceed one half of the greatest external dimension. Hollow bars and rods of iron or steel not conforming to this definition are to be classified in heading No. 73.04.

(*q*) SKELP :

Hot-rolled narrow strip of width not exceeding 600 mm with rolled (square, slightly round or bevelled) edge.

2. Ferrous metals clad with another ferrous metals are to be classified as products of the ferrous metal predominating by weight.

3. Iron or steel products obtained by electrolytic deposition, by pressure casting or by sintering are to be classified, according to their form, their composition and their appearance, in the headings of this Chapter appropriate to similar hot-rolled products.

SUB-HEADING NOTE

In this Chapter the following expressions have the meanings hereby assigned to them :

(*a*) Non-alloy free-cutting steel

Non-alloy steel containing, by weight, one or more of the following elements in the specified proportions :

—0.08% or more of sulphur

—0.1% or more of lead

—more than 0.05% of selenium

—more than 0.01% of tellurium

—more than 0.05% of bismuth.

(*b*) Silicon-electrical steel

Alloy steels containing by weight at least 0.6% but not more than 6% of silicon and not more than 0.08% of carbon. They may also contain by weight not more than 1% of aluminium but no other element in a proportion that would give the steel the characteristics of another alloy steel.

(*c*) High speed steel

Alloy steels containing, with or without other elements, at least two of the three elements molybdenum, tungsten and vanadium with a combined content by weight of 7% or more, 0.6% or more of carbon and 3 to 6% of chromium.

(*d*) Silicon-manganese steel

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Alloy steels containing by weight :

—0.35% or more but not more than 0.7% of carbon,

—0.5% or more but not more than 1.2% of manganese, and

—0.6% or more but not more than 2.3% of silicon, but not containing any other element in a proportion that would give the steel the characteristics of another alloy steel.;

(18) in Chapter 73, for the NOTES, the following NOTES shall be substituted, namely :—

'NOTES

1. In this Chapter the expression "cast iron" applies to products obtained by casting in which iron predominates by weight over each of the other elements and which do not comply with the chemical composition of steel as defined in Note 1 (*d*) to Chapter 72.

2. In this Chapter the word "wire" means hot or cold-formed products of any cross-sectional shape, of which no cross-sectional dimension exceeds 16 mm.' ;

(19) in Chapter 74, for the NOTES, the following NOTE shall be substituted, namely :—

'NOTE

In this Chapter the following expressions have the meanings hereby assigned to them :

(*a*) REFINED COPPER :

Metal containing at least 99.85% by weight of copper ; or metal containing at least 97.5% by weight of copper, provided that the content by weight of any other element does not exceed the limit specified in the following table :

TABLE—OTHER ELEMENTS

Element		*Limiting content % by weight*
Ag	Silver	0.25
As	Arsenic	0.5
Cd	Cadmium	1.3
Cr	Chromium	1.4
Mg	Magnesium	0.8
Pb	Lead	1.5
S	Sulphur	0.7
Sn	Tin	0.8
Te	Tellurium	0.8
Zn	Zinc	1
Zr	Zirconium	0.3
	Other elements*, each	0.3

*Other elements are, for example, Al, Be, Co, Fe, Mn, Ni, Si.

(*b*) COPPER ALLOYS :

Metallic substances other than unrefined copper in which copper predominates by weight over each of the other elements, provided that ;

(*i*) the content by weight of at least one of the other elements shall be greater than the limit specified in the foregoing table ; or

(*ii*) the total content by weight of such other elements exceeds 2.5%.

(*c*) MASTER ALLOYS :

Alloys containing with other elements more than 10% by weight of copper, not usefully malleable and commonly used as an additive in the manufacture of other alloys or as de-oxidants, de-sulphurising agents or for similar uses in the metallurgy of non-ferrous metals. However, copper phosphide (phosphor copper) containing more than 15% by weight of phosphorus falls in heading No. 28.48.

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(*d*) BARS AND RODS :

Rolled, extruded, drawn or forged products, not in coils, which have a uniform solid cross-section along their whole length in the shape of circles, ovals, rectangles (including squares), equilateral triangles or regular convex polygons (including "flattened circles", and "modified rectangles", of which two opposite sides are convex arcs, the other two sides being straight, of equal length and parallel). Products, with a rectangular (including square), triangular or polygonal cross-section may have corners rounded along their whole length. The thickness of such products which have a rectangular (including "modified rectangular") cross-section exceeds one-tenth of the width. The expression also covers cast or sintered products, of the same forms and dimensions, which have been subsequently worked after production (otherwise than by simple trimming or de-scaling) ; provided that they have not thereby assumed the character of articles or products of other headings.

Wire-bars and billets with their ends tapered or otherwise worked simply to facilitate their entry into machines for converting them into, for example, drawing stock (wire-rod) or tubes, are however to be taken to be unwrought copper of heading No. 74.03.

(*e*) PROFILES :

Rolled, extruded, drawn, forged or formed products, coiled or not, of a uniform cross-section along their whole length, which do not conform to any of the definitions of bars, rods, wire, plates, sheets, strip, foil, tubes or pipes. The expression also covers cast or sintered products, of the same forms, which have been subsequently worked after production (otherwise than by simple trimming or descaling), provided that they have not thereby assumed the character of articles or products of other headings.

(*f*) WIRE :

Rolled, extruded or drawn products, in coils, which have a uniform solid cross-section along their whole length in the shape of circles, ovals, rectangles (including squares), equilateral triangles or regular convex polygons (including "flattened circles" and "modified rectangles", of which two opposite sides are convex arcs, the other two sides being straight, of equal length and parallel). Products with a rectangular (including square), triangular or polygonal cross-section may have corners rounded along their whole length. The thickness of such products which have a rectangular (including "modified rectangular") cross-section exceeds one-tenth of the width.

In the case of heading No. 74.14, however, the term "wire" applies only to products, whether or not in coils, of any cross-sectional shape, of which no cross-sectional dimension exceeds 6 mm.

(*g*) PLATES, SHEETS, STRIP AND FOIL :

Flat-surfaced products (other than the unwrought products of heading No. 74.03), coiled or not, of solid rectangular (other than square) cross-section with or without rounded corners (including "modified rectangles" of which two opposite sides are convex arcs, the other two sides being straight, of equal length and parallel) of a uniform thickness, which are :

—of rectangular (including square) shape with a thickness not exceeding one-tenth of the width,

—of a shape other than rectangular or square, of any size provided that they do not assume the character of articles or products of other headings.

Heading Nos. 74.09 and 74.10 apply, *inter alia*, to plates, sheets, strips and foil with patterns (for example, grooves, ribs, chequers, tears, buttons, lozenges) and to such products which have been perforated, corrugated, polished or coated, provided that they do not thereby assume the character of articles or products of other headings.

(*h*) TUBES AND PIPES :

Hollow products, coiled or not, which have a uniform cross-section with only one enclosed void along their whole length in the shape of circles, ovals, rectangles (including squares), equilateral triangles or regular convex polygons, and which have a uniform wall thickness. Products with a rectangular (including square), equilateral triangular or regular convex polygonal cross-section, which may have corners rounded along their whole length, are also to be taken to be tubes and pipes provided the inner and outer cross-sections are concentric and have the same form and orientation. Tubes and pipes of the foregoing cross-sections may be polished, coated, bent, threaded, drilled, waisted, expanded, cone-shaped or fitted with flanges, collars of rings.

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SUB-HEADING NOTE

In this Chapter the following expressions have meanings hereby assigned to them :

(*a*) Copper-zinc base alloys (brasses) :

Alloys of copper and zinc, with or without other elements. When other elements are present :

—zinc predominates by weight over each of such other elements ;

—any nickel content by weight is less than 5% [*see* copper-nickel-zinc alloys (nickel silvers)] ; and

—any tin content by weight is less than 3% [*see* copper-tin alloys (bronzes)].

(*b*) Copper-tin base alloys (bronzes) :

Alloys of copper and tin, with or without other elements. When other elements are present, tin predominates by weight over each of such other elements, except that when the tin content is 3% or more the zinc content by weight may exceed that of tin but must be less than 10%.

(*c*) Copper-nickel-zinc base alloys (nickel silvers) :

Alloys of copper, nickel and zinc, with or without other elements. The nickel content is 5% or more by weight [*see* copper-zinc alloys (brasses)].

(*d*) Copper-nickel base alloys :

Alloys of copper and nickel, with or without other elements but in any case containing by weight not more than 1% of zinc. When other elements are present, nickel predominates by weight over each of such other elements. ;

(20) in Chapter 75, below the title of the Chapter, the following NOTE shall be inserted, namely :—

'NOTE

In this Chapter the following expressions have the meanings hereby assigned to them :

(*a*) BARS AND RODS :

Rolled, extruded, drawn or forged products, not in coils, which have a uniform solid cross-section along their whole length in the shape of circles, ovals, rectangles (including squares), equilateral triangles or regular convex polygons (including "flattened circles" and "modified rectangles", of which two opposite sides are convex arcs, the other two sides being straight, of equal length and parallel). Products with a rectangular (including square), triangular or polygonal cross-section may have corners rounded along their whole length. The thickness of such products which have a rectangular (including "modified rectangular") cross-section exceeds one-tenth of the width. The expression also covers cast or sintered products, of the same forms and dimensions, which have been subsequently worked after production (otherwise than by simple trimming or de-scaling), provided that they have not thereby assumed the character of articles or products of other headings.

(*b*) PROFILES :

Rolled, extruded, drawn, forged or formed products, coiled or not, of a uniform cross-section along their whole length, which do not conform to any of the definitions of bars, rods, wire, plates, sheets, strip, foil, tubes or pipes. The expression also covers cast or sintered products, of the same forms, which have been subsequently worked after production (otherwise than by simple trimming or descaling), provided that they have not thereby assumed the character of articles or products of other headings.

(*c*) WIRE :

Rolled, extruded or drawn products, in coils, which have a uniform solid cross-section along their whole length in the shape of circles, ovals, rectangles (including squares), equilateral triangles or regular convex polygons (including "flattened circles" and "modified rectangles", of which two opposite sides are convex arcs, the other two sides being straight, of equal length and parallel). Products with a rectangular (including square), triangular or polygonal cross-section may have corners rounded along their whole length. The thickness of such products which have a rectangular (including "modified rectangular") cross-section exceeds one-tenth of the width.

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(*d*) PLATES, SHEETS, STRIP AND FOIL :

Flat-surfaced products (other than the unwrought products of heading No. 75.02), coiled or not, of solid rectangular (other than square) cross-section with or without rounded corners (including "modified rectangles" of which two opposite sides are convex arcs, the other two sides being straight, of equal length and parallel) of a uniform thickness, which are :

—of rectangular (including square) shape with a thickness not exceeding one-tenth of the width,

—of a shape other than rectangular or square, of any size provided that they do not assume the character of articles or products of other headings.

Headings No. 75.06 applies, *inter alia*, to plates, sheets, strip and foil with patterns (for example, grooves, ribs, chequers, tears, buttons, lozenges) and to such products which have been perforated, corrugated, polished or coated, provided that they do not thereby assume the character of articles or products of other headings.

(*e*) TUBES AND PIPES :

Hollow products, coiled or not, which have a uniform cross-section with only one enclosed void along their whole length in the shape of circles, ovals, rectangles (including squares), equilateral triangles or regular convex polygons, and which have a uniform wall thickness. Products with a rectangular (including square), equilateral triangular or regular convex polygonal cross-section, which may have corners rounded along their whole length, are also to be considered as tubes and pipes provided the inner and outer cross-sections are concentric and have the same form and orientation. Tubes and pipes of the foregoing cross-sections may be polished, coated, bent, threaded, drilled, waisted, expanded, cone-shaped or fitted with flanges, collars or rings.

SUB-HEADING NOTE

In this Chapter the following expressions have the meanings hereby assigned to them :

(*a*) Nickel, not alloyed :
Metal containing by weight at least 99% of nickel *plus* cobalt, provided that :

(*i*) the cobalt content by weight does not exceed 1.5%, and

(*ii*) the content by weight of any other element does not exceed the limit specified in the following table :

TABLE—OTHER ELEMENTS

Element		*Limiting content % by weight*
Fe	Iron	0.5
O	Oxygen	0.4
Other elements, each		0.3

(*b*) Nickel alloys :

Metallic substances in which nickel predominates by weight over each of the other elements provided that :

(*i*) the content by weight of cobalt exceeds 1.5%,

(*ii*) the content by weight of at least one of the other elements is greater than the limit specified in the foregoing table, or

(*iii*) the total content by weight of elements other than nickel *plus* cobalt exceeds 1%.' ;

(21) in Chapter 76, for the NOTES, the following NOTE shall be substituted, namely :—

'NOTE

In this Chapter the following expressions have the meanings hereby assigned to them :

(*a*) BARS AND RODS :

Rolled, extruded, drawn or forged products, not in coils, which have a uniform solid cross-section along their whole length in the shape of circles, ovals, rectangles (including squares), equilateral triangles or regular convex polygons (including "flattened circles" and "modified rectangles", of which two opposite sides are convex arcs, the other two sides being

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straight, of equal length and parallel). Products with a rectangular (including square), triangular or polygonal cross-section may have corners rounded along their whole length. The thickness of such products which have a rectangular (including "modified rectangular") cross-section exceeds one-tenth of the width. The expression also covers cast or sintered products, of the same form and dimensions, which have been subsequently worked after production (otherwise than by simple trimming or de-scaling), provided that they have not thereby assumed the character of articles or products of other headings.

(*b*) PROFILES :

Rolled, extruded, drawn, forged or formed products, coiled or not, of a uniform cross-section along their whole length, which do not conform to any of the definitions of bars, rods, wire, plates, sheets, strip, foil, tubes or pipes. The expression also covers cast or sintered products, of the same forms, which have been subsequently worked after production (otherwise than by simple trimming or de-scaling), provided that they have not thereby assumed the character of articles or products of other headings.

(*c*) WIRE :

Rolled, extruded or drawn products, in coils, which have a uniform solid cross-section along their whole length in the shape of circles, ovals, rectangles (including squares), equilateral triangles or regular convex polygons (including "flattened circles" and "modified rectangles", of which two opposite sides are convex arcs, the other two sides being straight, of equal length and parallel). Products with a rectangular (including square), triangular or polygonal cross-section may have corners rounded along their whole length. The thickness of such products which have a rectangular (including "modified rectangular") cross-section exceeds one-tenth of the width.

(*d*) PLATES, SHEETS, STRIP AND FOIL :

Flat-surfaced products (other than the unwrought products of heading No. 76.01), coiled or not, of solid rectangular (other than square) cross-section with or without rounded corners (including "modified rectangles" of which two opposite sides are convex arcs, the other two sides being straight, of equal length and parallel) of a uniform thickness, which are :

—of rectangular (including square) shape with a thickness not exceeding one-tenth of the width,

—of a shape other than rectangular or square, of any size provided that they do not assume the character of articles or products of other headings.

Heading Nos. 76.06 and 76.07 apply, *inter alia*, to plates, sheets, strip and foil with patterns (for example, grooves, ribs, chequers, tears, buttons, lozenges) and to such products which have been perforated, corrugated, polished or coated, provided that they do not thereby assume the character of articles or products of other headings.

(*e*) TUBES AND PIPES :

Hollow products, coiled or not, which have a uniform cross-section with only one enclosed void along their whole length in the shape of circles, ovals, rectangles (including squares), equilateral triangles or regular convex polygons, and which have a uniform wall thickness. Products with a rectangular (including square), equilateral triangular or regular convex polygonal cross-section, which may have corners rounded along their whole length, are also to be considered as tubes and pipes provided the inner and outer cross-sections are concentric and have the same form and orientation. Tubes and pipes of the foregoing cross-sections may be polished, coated, bent, threaded, drilled, waisted, expanded, cone-shaped or fitted with flanges, collars or rings.

SUB-HEADING NOTE

In this Chapter the following expressions have the meanings hereby assigned to them :

(*a*) Aluminium, not alloyed :

Metal containing by weight at least 99% of aluminium, provided that the content by weight of any other element does not exceed the limit specified in the following table :

TABLE—OTHER ELEMENTS

Element	*Limiting content % by weight*
Fe+Si (iron plus silicon)	1
Other elements (1), each	0.1(2)

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(1) Other elements are, for example, Cr, Cu, Mg, Mn, Ni, Zn.

(2) Copper is permitted in a proportion greater than 0.1% but not more than 0.2%, provided that neither the chromium nor manganese content exceeds 0.05%.

(*b*) Aluminium alloys :

Metallic substances in which aluminium predominates by weight over each of the other elements, provided that :

(*i*) the content by weight of at least one of the other elements or of iron plus silicon taken together is greater than the limit specified in the foregoing table ;

(*ii*) the total content by weight of such other elements exceeds 1%. ' ;

(22) in Chapter 78, for the NOTE, the following NOTE shall be substituted, namely :—

'NOTE

In this Chapter the following expressions have the meanings hereby assigned to them :

(*a*) BARS AND RODS :

Rolled, extruded, drawn or forged products, not in coils, which have a uniform solid cross-section along their whole length in the shape of circles, ovals, rectangles (including squares), equilateral triangles or regular convex polygons (including "flattened circles" and "modified rectangles", of which two opposite sides are convex arcs, the other two sides being straight, of equal length and parallel). Products with a rectangular (including square), triangular or polygonal cross-section may have corners rounded along their whole length. The thickness of such products which have a rectangular (including "modified rectangular") cross-section exceeds one-tenth of the width. The expression also covers cast or sintered products, of the same forms and dimensions, which have been subsequently worked after production (otherwise than by simple trimming or de-scaling), provided that they have not thereby assumed the character of articles or products of other headings.

(*b*) PROFILES :

Rolled, extruded, drawn, forged or formed products, coiled or not, of a uniform cross-section along their whole length, which do not conform to any of the definitions of bars, rods, wire, plates, sheets, strip, foil, tubes or pipes. The expression also covers cast or sintered products, of the same forms, which have been subsequently worked after production (otherwise than by simple trimming or de-scaling), provided that they have not thereby assumed the character of articles or products of other headings.

(*c*) WIRE :

Rolled, extruded or drawn products, in coils, which have a uniform solid cross-section along their whole length in the shape of circles, ovals, rectangles (including squares), equilateral triangles or regular convex polygons (including "flattened circles" and "modified rectangles", of which two opposite sides are convex arcs, the other two sides being straight, of equal length and parallel). Products with a rectangular (including square), triangular or polygonal cross-section may have corners rounded along their whole length. The thickness of such products which have a rectangular (including "modified rectangular") cross-section exceeds one-tenth of the width.

(*d*) PLATES, SHEETS, STRIP AND FOIL :

Flat-surfaced products (other than the unwrought products of heading No. 78.01), coiled or not, of solid rectangular (other than square) cross-section with or without rounded corners (including "modified rectangulars" of which two opposite sides are convex arcs, the other two sides being straight, of equal length and parallel) of a uniform thickness, which are :

—of rectangular (including square) shape with a thickness not exceeding one-tenth of the width,

—of a shape other than rectangular or square, of any size provided that they do not assume the character of articles or products of other headings.

Heading No. 78.04 applies, *inter alia*, to plates, sheets, strip and foil with patterns (for example, grooves, ribs, chequers, tears, buttons, lozenges) and to such products which have been perforated, corrugated, polished or coated, provided that they do not thereby assume the character of articles or products of other headings.

(*e*) TUBES AND PIPES :

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Hollow products, coiled or not, which have uniform cross-section with only one enclosed void along their whole length in the shape of circles, ovals, rectangles (including squares), equilateral triangles or regular convex polygons, and which have a uniform wall thickness. Products with a rectangular (including square), equilateral triangular or regular convex polygonal cross-section, which may have corners rounded along their whole length, are also to be considered as tubes and pipes provided the inner and outer cross-sections are concentric and have the same form and orientation. Tubes and pipes of the foregoing cross-sections may be polished, coated, bent, threaded, drilled, waisted, expanded, cone-shaped or fitted with flanges, collars or rings.

SUB-HEADING NOTE

In this Chapter the expression "refined lead" means :

Metal containing by weight at least 99.9% of lead, provided that the content by weight of any other element does not exceed the limit specified in the following table :

TABLE—OTHER ELEMENTS

Element		*Limiting content % by weight*
Ag	Silver	0.02
As	Arsenic	0.005
Bi	Bismuth	0.05
Ca	Calcium	0.002
Cd	Cadmium	0.002
Cu	Copper	0.08
Fe	Iron	0.002
S	Sulphur	0.002
Sb	Antimony	0.005
Sn	Tin	0.005
Zn	Zinc	0.002
Other (for example Te), each		0.001' ;

(23) in Chapter 79, for the NOTES, the following NOTE shall be substituted, namely :—

'NOTE

In this Chapter the following expressions have the meanings hereby assigned to them :

(*a*) BARS AND RODS :

Rolled, extruded, drawn or forged products, not in coils, which have a uniform solid cross-section along their whole length in the shape of circles, ovals, rectangles, (including squares), equilateral triangles or regular convex polygons (including "flattened circles" and "modified rectangles", of which two opposite sides are convex arcs, the other two sides being straight, of equal length and parallel). Products with a rectangular (including square), triangular, or polygonal cross-section may have corners rounded along their whole length. The thickness of such products which have a rectangular (including "modified rectangular") cross-section exceeds one-tenth of the width. The expression also covers cast or sintered products, of the same forms and dimensions, which have been subsequently worked after production (otherwise than by simple trimming or de-scaling), provided that they have not thereby assumed the character of articles or products of other headings.

(*b*) PROFILES :

Rolled, extruded, drawn, forged or formed products, coiled or not, of a uniform cross-section along their whole length, which do not conform to any of the definitions of bars, rods, wire, plates, sheets, strip, foil, tubes or pipes. The expression also covers cast or sintered products, of the same forms, which have been subsequently worked after production (otherwise than by simple trimming or de-scaling), provided that they have not thereby assumed the character of articles or products of other headings.

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(*c*) WIRE :

Rolled, extruded or drawn products, in coils, which have a uniform solid cross-section along their whole length in the shape of circles, ovals, rectangles (including squares), equilateral triangles or regular convex polygons (including "flattened circles" and "modified rectangles", of which two opposite sides are convex arcs, the other two sides being straight, of equal length and parallel). Products with a rectangular (including square), triangular or polygonal cross-section may have corners rounded along their whole length. The thickness of such products which have a rectangular (including "modified rectangular") cross-section exceeds one-tenth of the width.

(*d*) PLATES, SHEETS, STRIP AND FOIL :

Flat-surfaced products (other than the unwrought products of heading No. 79.01), coiled or not, of solid rectangular (other than square) cross-section with or without rounded corners (including "modified rectangles" of which two opposite sides are convex arcs, the other two sides being straight, of equal length and parallel) of a uniform thickness, which are :

—of rectangular (including square) shape with a thickness not exceeding one-tenth of the width,

—of a shape other than rectangular or square, of any size provided that they do not assume the character of articles or products of other headings.

Heading No. 79.05 applies, *inter alia*, to plates, sheets, strip and foil with patterns (for example, grooves, ribs, chequers, tears, buttons, lozenges) and to such products which have been perforated, corrugated, polished or coated, provided that they do not thereby assume the character of articles or products of other headings.

(*e*) TUBES AND PIPES :

Hollow products, coiled or not, which have a uniform cross-section with only one enclosed void along their whole length in the shape of circles, ovals, rectangles (including squares), equilateral triangles or regular convex polygons, and which have a uniform wall thickness. Products with a rectangular (including square), equilateral triangular or regular convex polygonal cross-section, which may have corners rounded along their whole length, are also to be considered as tubes and pipes provided the inner and outer cross-sections are concentric and have the same form and orientation. Tubes and pipes of the foregoing cross-sections may be polished, coated, bent, threaded, drilled, waisted, expanded, cone-shaped or fitted with flanges, collars or rings.

SUB-HEADING NOTE

In this Chapter the following expressions have the meanings hereby assigned to them :

(*a*) Zinc, not alloyed :

Metal containing by weight at least 97.5% of zinc.

(*b*) Zinc alloys :

Metallic substances in which zinc predominates by weight over each of the other elements, provided that the total content by weight of such other elements exceeds 2.5%.

(*c*) Zinc dust :

Dust obtained by condensation of zinc vapour, consisting of spherical particles which are finer than zinc powders. At least 80% by weight of the particles pass through a sieve with 63 micrometres (microns) mesh. It must contain at least 85% by weight of metallic zinc.' ;

(24) in Chapter 80, below the title of the Chapter, the following NOTE shall be inserted, namely :—

'NOTE

In this Chapter the following expressions have the meanings hereby assigned to them :

(*a*) BARS AND RODS :

Rolled, extruded, drawn or forged products, not in coils, which have a uni-

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form solid cross-section along their whole length in the shape of circles, ovals, rectangles (including squares), equilateral triangles or regular convex polygons (including "flattened circles" and "modified rectangles", of which two opposite sides are convex arcs, the other two sides being straight, of equal length and parallel). Products with a rectangular (including square), triangular or polygonal cross-section may have corners rounded along their whole length. The thickness of such products which have a rectangular (including "modified rectangular") cross-section exceeds one-tenth of the width. The expression also covers cast sintered products, of the same forms and dimensions, which have been subsequently worked after production (otherwise than by simple trimming or de-scaling), provided that they have not thereby assumed the character of articles or products of other headings.

(*b*) PROFILES :

Rolled, extruded, drawn, forged or formed products, coiled or not, of a uniform cross-section along their whole length, which do not conform to any of the definition of bars, rods, wire, plates, sheets, strip, foil, tubes or pipes. The expression also covers cast or sintered products of the same forms, which have been subsequently worked after production (otherwise than by simple trimming or de-scaling), provided that they have not thereby assumed the character of articles or products of other headings.

(*c*) WIRE :

Rolled, extruded, or drawn products, in coils, which have uniform solid cross-section along their whole length in the shape of circles, ovals, rectangles (including squares), equilateral triangles or regular convex polygons (including 'flattened circles" and "modified rectangles", of which two opposite sides are convex arcs, the other two sides being straight, of equal length and parallel). Products with a rectangular (including square), triangular or polygonal cross-section may have corners rounded along their whole length. The thickness of such products which have a rectangular (including "modified rectangular") cross-section exceeds one-tenth of the width.

(*d*) PLATES, SHEETS, STRIP AND FOIL :

Flat-surfaced products (other than the unwrought products of heading No. 80.01), coiled or not, of solid rectangular (other than square) cross-section with or without rounded corners (including "modified rectangles" of which two opposite sides are convex arcs, the other two sides being straight, of equal length and parallel) of a uniform thickness, which are :

—of rectangular (including square) shape with a thickness not exceeding one-tenth of the width.

—of a shape other than rectangular or square, of any size provided that they do not assume the character of articles or products of other headings.

Headings Nos. 80.04 and 80.05 apply, *inter alia,* to plates, sheets, strip and foil with patterns (for example, grooves, ribs, chequers, tears, buttons, lozenges) and to such products which have been perforated, corrugated, polished or coated, provided that they do not thereby assume the character of articles or products of other headings.

(*e*) TUBES AND PIPES :

Hollow products, coiled or not, which have a uniform cross-section with only one enclosed void along their whole length in the shape of circles, ovals, rectangles (including squares), equilateral triangles or regular convex polygons, and which have uniform wall thickness. Products with a rectangular (including square), equilateral triangular or regular convex polygonal cross-section, which may have corners rounded along their whole length, are also to be considered as tubes and pipes provided the inner and outer cross-sections are concentric and have the same form and orientation. Tubes and pipes of the foregoing cross-sections may be polished, coated, bent, threaded, drilled, waisted, expanded, cone-shaped or fitted with flanges, collars or rings.

SUB-HEADING NOTE

In this Chapter the following expressions have the meanings hereby assigned to them :

(*a*) Tin, not alloyed :

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Metal containing by weight at least 99% of tin, provided that the content by weight of any bismuth or copper is less than the limit specified in the following table :

TABLE—OTHER ELEMENTS

	Element	*Limiting content % by weight*
Bi	Bismuth	0.1
Cu	Copper	0.4

(*b*) Tin alloys :

Metallic substances in which tin predominates by weight over each of the other elements, provided that :

(*i*) the total content by weight of such other elements exceeds 1% ; or

(*ii*) the content by weight of either bismuth or copper is equal to or greater than the limit specified in the foregoing table.' ;

(25) in Chapter 81, below the title of the Chapter, the following NOTE shall be inserted, namely :—

'NOTE

Note 1 to Chapter 74, defining "bars and rods", "profiles", "wire" and "plates, sheets, strip and foil" applies, *mutatis mutandis,* to this Chapter.' ;

(26) in Chapter 82, after NOTE 2, the following NOTE shall be inserted, namely :—

"3. Sets consisting of one or more knives of heading No. 82.11 and at least an equal number of articles of heading No. 82.15 are to be classified in heading No. 82.15";

(27) in Chapter 83, for the NOTES, the following NOTES shall be substituted, namely :—

'NOTES

1. For the purposes of this Chapter, parts of base metal are to be classified with their parent articles. However, articles of iron and steel of heading No. 73.12, 73.15, 73.17, 73.18 or 73.20, or similar articles of other base metal (Chapters 74 to 76 and 78 to 81) are not to be taken as parts of articles of this Chapter.

2. For the purposes of heading No. 83.02, the word "castors" means those having a diameter (including, where appropriate, tyres) not exceeding 75 mm., or those having a diameter (including, where appropriate, tyres) exceeding 75 mm. provided that the width of the wheel or tyre fitted thereto is less than 30 mm.' ;

(28) in Section XVI,—

(*a*) in NOTE 1,—

(*i*) for item (*h*), the following item shall be substituted, namely :—

"(*h*) Drill pipe (heading No. 73.04)" ;

(*ii*) in item (*n*), for the figures "82.02", the figures "82.07" shall be substituted:

(*b*) after NOTE 5, the following NOTE shall be inserted, namely :—

"6. In respect of goods covered by this Section, conversion of an article which is incomplete or unfinished but having the essential character of the complete or finished article (including 'blank', that is, an article, not ready for direct use, having the approximate shape or outline of the finished article or part, and which can only be used, other than in exceptional cases, for completion into the finished article or part), into complete or finished article shall amount to 'manufacture' " ;

(29) in Chapter 84,—

(*a*) for NOTE 1, for item (*d*), the following item shall be substituted, namely :—

"(*d*) Articles of heading No. 73.21 or 73.22 or similar articles of other base metals (Chapters 74 to 76 or 78 to 81) ;" ;

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(*b*) for NOTE 6, the following NOTE shall be substituted, namely :—

"6. Heading No. 84.82 applies, *inter alia*, to polished steel balls, the maximum and minimum diameters of which do not differ from the nominal diameter by more than 1% or by more than 0.05 mm., whichever is less. Other steel balls are to be classified in heading No. 73.26." ;

(30) in Section XVII,—

(*a*) in NOTE 2 in item (*d*), for the figures "83.15", the figures "83.06" shall be substituted ;

(*b*) after NOTE 5, the following NOTE shall be inserted, namely :—

"6. In respect of goods covered by this Section, conversion of an article which is incomplete or unfinished but having the essential character of the complete or finished article (including "blank", that is, an article, not ready for direct use, having the approximate shape or outline of the finished article or part, and which can only be used, other than in exceptional cases, for completion into the finished article or part), into complete or finished article shall amount to 'manufacture' " ;

(31) in Chapter 87, in heading No. 87.16, in column (4), for the figures and abbreviation "15%", the figures and abbreviation "20%" shall be substituted ;

(32) in Chapter 89,—

(*a*) for the word "NOTE", occurring below the title of the Chapter, the word "NOTES" shall be substituted ;

(*b*) the existing NOTE shall be numbered as NOTE 1, and after NOTE 1, as so numbered, the following NOTE shall be inserted, namely :—

'2. In heading No. 89.08, "Light Displacement Tonnage (LDT)" means LDT in metric tonnes as per Builder's Register LDT referred to in the Stability Book or the builder's certificate at the time of initial commissioning of the vessel or the floating structure :

Provided that in case of any change in the LDT, the highest of the LDT indicated in any of the documents referred to above shall be taken for the purpose of levy of duty.';

(33) In Chapter 90, in NOTE 1, item (*c*) for the figures "83.15", the figures "83.06" shall be substituted ;

(34) In Chapter 94, in heading No. 94.03, in column (4), for the figures and abbreviation "25%", the figures and abbreviation "30%" shall be substituted.

PART II

Heading No.	Sub-heading No.	Description of goods	Rate of Duty
(1)	(2)	(3)	(4)

In the Schedule to the Central Excise Tariff Act,—

(1) in Chapter 26, for heading Nos. 26.01 to 26.02, the following headings shall be substituted, namely :—

"26.01	2601.00	IRON ORES AND CONCENTRATES, INCLUDING ROASTED IRON PYRITES	12%
26.02	2602.00	MANGANESE ORES AND CONCENTRATES, INCLUDING MANGANIFERROUS IRON ORES AND CONCENTRATES WITH A MANGANESE CONTENT OF 20% OR MORE, CALCULATED ON THE DRY WEIGHT	12%
26.03	2603.00	COPPER ORES AND CONCENTRATES	12%
26.04	2604.00	NICKEL ORES AND CONCENTRATES	12%
26.05	2605.00	COBALT ORES AND CONCENTRATES	12%

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Heading No.	Sub-heading No.	Description of goods	Rate of duty
26.06	2606.00	ALUMINIUM ORES AND CONCENTRATES	12%
26.07	2607.00	LEAD ORES AND CONCENTRATES	12%
26.08	2608.00	ZINE ORES AND CONCENTRATES	12%
26.09	2609.00	TIN ORES AND CONCENTRATES	12%
26.10	2610.00	CHROMIUM ORES AND CONCENTRATES	12%
26.11	2611.00	TUNGSTEN ORES AND CONCENTRATES	12%
26.12	2612.00	URANIUM OR THORIUM ORES AND CONCENTRATES	12%
26.13	2613.00	MOLYBDENUM ORES AND CONCENTRATES	12%
26.14	2614.00	TITANIUM ORES AND CONCENTRATES	12%
26.15	2615.00	NIOBIUM, TANTALUM, VANADIUM OR ZIRCONIUM ORES AND CONCENTRATES	12%
26.16	2616.00	PRECIOUS METAL ORES AND CONCENTRATES	12%
26.17	2617.00	OTHER ORES AND CONCENTRATES	12%
26.18	2618.00	GRANULATED SLAG (SLAG SAND) FROM THE MANUFACTURE OF IRON OR STEEL	12%
26.19	2619.00	SLAG, DROSS (OTHER THAN GRANULATED SLAG), SCALINGS AND OTHER WASTE FROM THE MANUFACTURE OF IRON OR STEEL	12%
26.20	2620.00	ASH AND RESIDUES (OTHER THAN FROM THE MANUFACTURE OF IRON OR STEEL), CONTAINING METALS OR METALLIC COMPOUNDS	12%
26.21	2621.00	OTHER SLAG AND ASH, INCLUDING SEAWEED ASH (KELP)	12%"

(2) in Chapter 27,—

(*a*) after sub-heading No. 2710.13, the following sub-heading shall be inserted, namely :—

"2710.14	—Raw Naphtha	Rs. 2,750 per kilo litre at 15°C";

(*b*) for sub-heading Nos. 2710.41 and 2710.49, the following sub-heading shall be substituted, namely :—

"2710.40	—Diesel oil, not elsewhere specified, that is to say, any hydrocarbon oil, which satisfies the following requirements :—	Rs. 155 per kilo litre at 15°C ";
	(*i*) has a smoke point of less than 10 millimetres ;	
	(*ii*) leaves carbon residue of not less than 1/4 per cent, by weight when tested by Ramsbottom Carbon Residue Apparatus ;	
	(*iii*) is as dark as, or darker than, 0.04 Normal Iodine solution when tested by colour comparison test ; and	
	(*iv*) possesses a viscosity of less than 100 seconds by Redwood Viscometer at 37.8°C	

(*c*) for sub-heading Nos. 2713.31, 2713.32 and 2713.39, the following sub-heading shall be substituted, namely :—

"2713.30	—Other residues of petroleum oils or of oils obtained from bituminous minerals, including Heavy Petroleum Stock, Low Sulphur Heavy Stock and other residual fuel oils	Rs. 155 per tonne";

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(1)	(2)	(3)	(4)
	(3)	in Chapter 30, for heading No. 30.03, the following heading shall be substituted, namely :—	
"30.03		MEDICAMENTS (INCLUDING VETERINARY MEDICAMENTS)	
	3003.10	—Patent or proprietary medicaments, other than those medicaments which are exclusively Ayurvedic, Unani, Siddha, Homoeopathic or Biochemic	15%
	3003.20	—Medicaments (other than patent or proprietary) other than those which are exclusively used in Ayurvedic, Unani, Siddha, Homoeopathic or Biochemic systems	*Nil*
	3003.30	—Medicaments, including those used in Ayurvedic, Unani, Siddha, Homoeopathic or Biochemic systems	*Nil";*
	(4)	in Chapter 39,—	
	(*a*)	for heading Nos. 39.01 and 39.02, the following headings shall be substituted, namely :—	
"39.01		POLYMERS OF ETHYLENE IN PRIMARY FORMS	
	3901.10	—Polyethylene having a specific gravity of less than 0.94	60%
	3901.20	—Polyethylene having a specific gravity of 0.94 or more	60%
	3901.30	—Ethylene-vinyl acetate copolymers	60%
	3901.90	—Other	60%
39.02		POLYMERS OF PROPYLENE OR OF OTHER OLEFINS, IN PRIMARY FORMS	
	3902.10	—Polypropylene	60%
	3902.20	—Polyisobutylene	60%
	3902.30	—Propylene copolymers	60%
	3902.90	—Other	60%";
	(*b*)	for heading No. 39.04, the following heading shall be substituted, namely :—	
"39.04		POLYMERS OF VINYL CHLORIDE OR OF OTHER HALOGENATED OLEFINS, IN PRIMARY FORMS	
	3904.10	—Polyvinyl chloride, not mixed with any other substances	60%
		—Other polyvinyl chloride	
	3904.21	—Non-plasticised	60%
	3904.22	—Plasticised	60%
	3904.30	—Vinyl chloride-vinyl acetate copolymers	60%
	3904.40	—Other vinyl chloride copolymers	60%
	3904.50	—Vinylidene chloride polymers	60%
		—Fluoro-polymers :	
	3904.61	—Polytetrafluoroethylene	60%
	3904.69	—Other	60%
	3904.90	—Other	60%";
	(*c*)	for heading Nos. 39.07 and 39.08, the following headings shall be substituted, namely :—	

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(1)	(2)	(3)	(4)
"39.07		POLYACETALS, OTHER POLYETHERS AND EPOXIDE RESINS, IN PRIMARY FORMS, POLYCARBONATES, ALKYD RESINS, POLYALLYL ESTERS AND OTHER POLYESTERS, IN PRIMARY FORMS	
	3907.10	—Polyacetals	60%
	3907.20	—Other polyethers	60%
	3907.30	—Epoxide resins	60%
	3907.40	—Polycarbonates	60%
	3907.50	—Alkyd resins including maleic resins and fumeric resins	60%
	3907.60	—Polyethylene terephthalate	60%
	3907.70	—Diallylphthalate resins	60%
	3907.80	—Polybutylene terephthalate	60%
		—Other polyesters :	
	3907.91	—Unsaturated	60%
	3907.99	—Other	60%
39.08		POLYAMIDES IN PRIMARY FORMS	
	3908.10	—Polyamide-6,-11,-12,-6, 6, 6, 9,-6, 10 or -6, 12	60%
	3908.90	—Other	60%";

(*d*) for heading Nos. 39.11, 39.12 and 39.13, the following headings shall be substituted, namely :—

"39.11		PETROLEUM RESINS, COUMARONE-INDENE RESINS, POLYTERPENES, POLYSULPHIDES, POLYSULPHONES AND OTHER PRODUCTS SPECIFIED IN NOTE 3 TO THIS CHAPTER, NOT ELSEWHERE SPECIFIED OR INCLUDED, IN PRIMARY FORMS	
	3911.10	—Petroleum resins, coumarone, indene or coumarone-indene resins and polyterpenes	60%
	3911.20	—Polysulphones	60%
	3911.90	—Other	60%
39.12		CELLULOSE AND ITS CHEMICAL DERIVATIVES, AND CELLULOSE ETHERS, NOT ELSEWHERE SPECIFIED OR INCLUDED IN PRIMARY FORMS	
		—Cellulose acetates :	
	3912.11	—Non-plasticised	60%
	3912.12	—Plasticised	60%
	3912.20	—Cellulose nitrates (including collodions)	60%
		—Cellulose ethers :	
	3912.31	—Carboxymethyl cellulose and its salts	60%
	3912.39	—Other	60%
	3912.90	—Other	60%
39.13		NATURAL POLYMERS (FOR EXAMPLE, ALGINIC ACID) AND MODIFIED NATURAL POLYMERS (FOR EXAMPLE, HARDENED PROTEINS, CHEMICAL DERIVATIVES OR NATURAL RUBBER), NOT ELSEWHERE SPECIFIED OR INCLUDED, IN PRIMARY FORMS	

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(1)	(2)	(3)	(4)
	3913.10	—Alginic acid, its salts and esters	60%
	3913.20	—Dextran	60%
	3913.30	—Chlorinated rubber	60%
	3913.90	—Other	60%" ;

(*e*) for heading No. 39.15, the following heading shall be substituted, namely:

"39.15		WASTE, PARINGS AND SCRAP, OF PLASTICS	
	3915.10	—Of polymers of ethylene	60%
	3915.20	—Of polymers of styrene	60%
	3915.30	—Of polymers of vinyl chloride	60%
	3915.90	—Of other plastics	60% *plus* Rs. 40 per kilogram ' ;

(*f*) for heading No. 39.18, the following heading shall be substituted, namely :—

"39.18		FLOOR COVERINGS OF PLASTICS, WHETHER OR NOT SELF ADHESIVE, IN ROLLS OR IN THE FORM OF TILES ; WALL OR CEILING COVERINGS OF PLASTICS, AS DEFINED IN NOTE 9 TO THIS CHAPTER	
	3918.10	—Of polymers of vinyl chloride	60%
	3918.90	—Of other plastics	60% " ;

(*g*) for heading Nos. 39.20, 39.21, 39.22, 39.23, 39.24 and 39.25, the following headings shall be substituted, namely :—

"39.20		OTHER PLATES, SHEETS, FILM, FOIL AND STRIP, OF PLASTICS, NON-CELLULAR, WHETHER LACQUERED OR METALLISED OR LAMINATED, SUPPORTED OR SIMILARLY COMBINED WITH OTHER MATERIALS OR NOT	
		—Of polymers of vinyl chloride :	
	3920.11	—Rigid, plain	60%
	3920.12	—Flexible, plain	60%
	3920.13	—Rigid, lacquered	60%
	3920.14	—Flexible, lacquered	60%
	3920.15	—Rigid, metallised	60%
	3920.16	—Flexible, metallised	60%
	3920.17	—Rigid, laminated	60%
	3920.18	—Flexible, laminated	60%
	3920.19	—Other	60%
		—Of regenerated cellulose :	
	3920.21	—Film, plain	60%
	3920.22	—Film, lacquered	60%
	3920.23	—Film, metallised	60%
	3920.24	—Film, laminated	60%
	3920.25	—Sheet, plain	60%
	3920.26	—Sheet, lacquered	60%
	3920.27	—Sheet, metallised	60%
	3920.28	—Sheet, laminated	60%
	3920.29	—Other	60%

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(1)	(2)	(3)	(4)
		—Of other plastics :	
	3920.31	—Rigid, plain	60%
	3920.32	—Flexible, plain	60%
	3920.33	—Rigid, lacquered	60%
	3920.34	—Flexible, lacquered	60%
	3920.35	—Rigid, metallised	60%
	3920.36	—Flexible, metallised	60%
	3920.37	—Rigid, laminated	60%
	3920.38	—Flexible, laminated	60%
	3920.39	—Other	60%
39.21		OTHER PLATES, SHEETS, FILM, FOIL AND STRIP, OF PLASTICS	
		—Cellular :	
	3921.11	—Of polyurethanes	60% *plus* Rs. 40 per kilogram.
	3921.19	—Of other plastics	60%
	3921.90	—Other	60%
39.22		BATHS, SHOWER-BATHS, WASH-BASINS, BIDETS, LAVATORY PANS, SEATS AND COVERS, FLUSHING CISTERNS AND SIMILAR SANITARY WARE, OF PLASTICS	
	3922.10	—Baths, shower-baths and wash-basins	30%
	3922.20	—Lavatory seats and covers	30%
	3922.90	—Other	30%
39.23		ARTICLES FOR THE CONVEYANCE OR PACKING OF GOODS, OF PLASTICS ; STOPPERS, LIDS, CAPS AND OTHER CLOSURES, OF PLASTICS	
		—Cellular ;	
	3923.11	—Of polyurethanes	60% *plus* Rs. 40 per kilogram
	3923.19	—Of other plastics	30%
	3923.90	—Other	30%
39.24		TABLEWARE, KITCHENWARE, OTHER HOUSE-HOLD ARTICLES AND TOILET ARTICLES, OF PLASTICS	
		—Cellular :	
	3924.11	—Of polyurethanes	60% *plus* Rs. 40 per kilogram
	3924.19	—Of other plastics	30%
	3924.90	—Other	30%
39.25		BUILDERS WARE OF PLASTICS, NOT ELSEWHERE SPECIFIED OR INCLUDED	
	3925.10	—Reservoirs, tanks, vats and similar containers, of a capacity exceeding 300 litres	30%
	3925.20	—Doors, windows and their frames and thresholds for doors	30%
	3925.30	—Shutters, blinds (including venetian blinds) and similar articles and parts thereof	30%
		—Other :	

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(1)	(2)	(3)	(4)
	3925.91	—Of polyurethanes	60% *plus* Rs. 40 per kilogram
	3925.99	—Other	30%" ;

(5) in Chapter 48,—

(*a*) for sub-heading Nos. 4811.31 and 4811.39, the following sub-heading shall be substituted, namely :—

"4811.30		—Paper and paperboard coated, impregnated or covered with plastic (excluding adhesives)	35 % *plus* Rs. 1,600 per tonne"

(*b*) for sub-heading Nos. 48.17 and 48.18, the following headings shall be substituted, namely :—

"48.17	4817.00	ENVELOPES, LETTER CARDS, PLAIN POSTCARDS, AND CORRESPONDENCE CARDS, OF PAPER OR PAPERBOARD ; BOXES, POUCHES, WALLETS AND WRITING COMPENDIUMS, OF PAPER OR PAPERBOARD, CONTAINING AN ASSORTMENT OF PAPER STATIONERY	12%
48.18	4818.00	TOILET PAPER, HANDKERCHIEFS, CLEANSING TISSUES, TOWELS, TABLECLOTHS, SERVIETTES, NAPKINS FOR BABIES, TAMPOONS, BEDSHEETS AND SIMILAR HOUSE-HOLD, SANITARY OR HOSPITAL ARTICLES, ARTICLES OF APPAREL AND CLOTHING ACCESSORIES, OF PAPER PULP, PAPER, CELLULOSE WADDING OR WEBS OF CELLULOSE FIBRES	12%
48.19		CARTONS, BOXES, CASES, BAGS AND OTHER PACKING CONTAINERS, OF PAPER, PAPERBOARD, CELLULOSE WADDING OR WEBS OF CELLULOSE FIBRES ; BOX FILES, LETTER TRAYS, AND SIMILAR ARTICLES, OF PAPER OR PAPERBOARD OF A KIND USED IN OFFICES, SHOPS OR THE LIKE	
		—Cartons, boxes, containers and cases (including flattened or folded boxes and flattened or folded cartons), whether in assembled or unassembled condition :	
	4819.11	—Intended for packing of match sticks	*Nil*
	4819.12	—Printed cartons, boxes, containers and cases	35%
	4819.19	—Other	*Nil*
	4819.90	—Other	12%
48.20	4820.00	REGISTERS, ACCOUNT BOOKS, NOTE BOOKS, ORDER BOOKS, RECEIPT BOOKS, LETTER PADS, MEMORANDUM PADS, DIARIES AND SIMILAR ARTICLES, EXERCISE BOOKS, BLOTTINGPADS, BINDERS (LOOSE-LEAF OR OTHER), FOLDERS, FILE COVERS, MANIFOLD BUSINESS FORMS, INTERLEAVED CARBON SETS AND OTHER ARTICLES OF STATIONERY, OF PAPER OR PAPERBOARD ; ALBUMS FOR SAMPLES OR FOR COLLECTIONS AND BOOK COVERS, OF PAPER OR PAPERBOARD	12%
48.21	4821.00	PAPER OR PAPERBOARD LABELS OF ALL KINDS, WHETHER OR NOT PRINTED	12%
48.22	4822.00	BOBBINS, SPOOLS, COPS AND SIMILAR SUPPORTS OF PAPER PULP, PAPER OR PAPERBOARD (WHETHER OR NOT PERFORATED OR HARDENED)	12%

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(1)	(2)	(3)	(4)
48.23		OTHER PAPER, PAPERBOARD, CELLULOSE WADDING AND WEBS OF CELLULOSE FIBRES, CUT TO SIZE OR SHAPE ; OTHER ARTICLES OF PAPER PULP, PAPER, PAPERBOARD, CELLULOSE WADDING OR WEBS OF CELLULOSE FIBRES	
		—Other paper, paperboard, cellulose wading and webs of cellulose fibres, cut to size or shape :	
	4823.11	—Gummed or adhesive paper in strips or rolls	10% *plus* Rs. 1,600 per tonne
	4823.12	—Cards, not punched, for punchcard machines, whether or not in strips	10% *plus* Rs. 1,600 per tonne
	4823.13	—Braille paper	*Nil*
	4823.14	—Blotting paper	10% *plus* Rs. 1,200 per tonne
	4823.19	—Other	10% *plus* Rs. 1,600 per tonne;
	4823.90	—Other	12%"

(6) in Chapter 52, for heading Nos. 52.07 and 52.08, the following headings shall be substituted, namely :—

"52.07	5207.00	COTTON FABRICS (EXCLUDING FABRICS COVERED UNDER HEADING NOS. 52.09, 52.10 AND 52.11),— (*a*) WOVEN ON LOOMS OTHER THAN HANDLOOMS, AND (*b*) SUBJECTED TO THE PROCESS OF BLEACHING, MERCERISING, DYEING, PRINTING, WATER-PROOFING, SHRINK-PROOFING, ORGANDIE PROCESSING OR ANY OTHER PROCESS OR ANY TWO OR MORE OF THESE PROCESSES, WITHOUT THE AID OF POWER OR STEAM	Fifty per cent of the duty leviable under sub-heading Nos. 5206.11 to 5206.16 and 5206.91 to 5206.94, as the case may be, depending upon the average count of yarn in the fabric and the value per square metre of the fabric
52.08		COTTON FABRICS (EXCLUDING FABRICS COVERED UNDER HEADING NOS. 52.09, 52.10, 52.11 AND 52.12),— (*a*) WOVEN ON HANDLOOMS, AND (*b*) SUBJECTED TO THE PROCESS OF BLEACHING, MERCERISING, DYEING, PRINTING, WATER-PROOFING, SHRINK-PROOFING, ORGANDIE PROCESSING OR ANY OTHER PROCESS OR ANY TWO OR MORE OF THESE PROCESSES	
	5208.10	—Processed without the aid of power or steam	Fifty per cent of the duty leviable under sub-heading Nos. 5206.11 to 5206.16 and 5206.91 to 5206.94, as the

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(1)	(2)	(3)	(4)
			case may be, depending upon the average count of the yarn in the fabric and the value per square metre of the fabric
		—Processed with the aid of power or steam :	
	5208.21	—Processed by an independent processor approved in this behalf by the Government of India on the recommendation of the Development Commissioner for Handlooms	Forty per cent of the duty leviable under sub-heading Nos. 5206.11 to 5206.16 and 5206.91 to 5206.94, as the case may be, depending upon the average count of the yarn in the fabric and the value per square metre of the fabric
	5208.22	—Processed by a factory owned by a registered handloom co-operative society or any organisation set up or approved by the Government for the purpose of development of handlooms	*Nil*
	5208.29	Other	Duty leviable under sub-heading Nos. 5206.11 to 5206.16 and 5206.91 to 5206.94, as the case may be, depending upon the average count of the yarn in the fabric and the value per square metre of the fabric" ;

(7) in Chapter 72, heading Nos. 72.01 to 72.15, the following headings shall be substituted, namely :—

		"I—PRIMARY MATERIALS ; PRODUCTS IN GRANULAR OR POWDER FORM	
72.01	7201.00	PIG IRON AND SPIEGELEISEN IN PIGS, BLOCKS OR OTHER PRIMARY FORMS	Rs. 100 per tonne
72.02	7202.00	FERRO-ALLOYS	12%
72.03	7203.00	FERROUS PRODUCTS OBTAINED BY DIRECT REDUCTION OF IRON ORE AND OTHER SPONGY FERROUS PRODUCTS, IN LUMPS, PELLETS OR SIMILAR FORMS ; IRON HAVING A MINIMUM PURITY BY WEIGHT OF 99.94%, IN LUMPS, PELLETS OR SIMILAR FORMS	Rs. 100 per tonne

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(1)	(2)	(3)	(4)
72.04		FERROUS WASTE AND SCRAP ; REMELTING SCRAP INGOTS OF IRON OR STEEL	
	7204.10	—Of iron	Rs. 100 per tonne
	7204.20	—Of stainless steel	Rs. 1,500 per tonne
	7204.30	—Of other alloy steel	Rs. 1,500 per tonne
	7204.90	—Other	Rs. 400 per tonne
72.05		GRANULES AND POWDERS, OF PIG IRON, SPIEGELEISEN, IRON OR STEEL	
	7205.10	—Of iron	Rs. 100 per tonne
	7205.20	—Of alloy steel	Rs. 1,500 per tonne
	7205.90	—Other	Rs. 400 per tonne
		II—IRON AND NON-ALLOY STEEL	
72.06		IRON AND NON-ALLOY STEEL IN INGOTS OR OTHER PRIMARY FORMS (EXCLUDING IRON OF HEADING No. 72.03)	
	7206.10	—Of iron	Rs. 100 per tonne
	7206.90	—Other	Rs. 400 per tonne
72.07		SEMI-FINISHED PRODUCTS OF IRON OR NON-ALLOY STEEL	
	7207.10	—Of iron	Rs. 400 per tonne
	7207.90	—Other	Rs. 550 per tonne
72.08		FLAT-ROLLED PRODUCTS OF IRON OR NON-ALLOY STEEL, OF A WIDTH OF 600 MM OR MORE, HOT-ROLLED, NOT CLAD, PLATED OR COATED	
		—Plates and universal plates :	
	7208.11	—Exceeding 5 mm in thickness	Rs. 400 per tonne
	7208.19	—Other	Rs. 550 per tonne
		—Sheets :	
	7208.21	—Exceeding 5 mm in thickness	Rs. 400 per tonne
	7208.29	—Other	Rs. 550 per tonne
		—Strips:	
	7208.31	—Exceeding 5 mm in thickness	Rs. 400 per tonne
	7208.39	—Other	Rs. 550 per tonne

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(1)	(2)	(3)	(4)
	7208.40	—Skelp	Rs. 550 per tonne
		—Other flat products :	
	7208.91	—Exceeding 5 mm in thickness	Rs. 400 per tonne
	7208.99	—Other	Rs. 550 per tonne
72.09		FLAT-ROLLED PRODUCTS OF IRON OR NON-ALLOY STEEL, OF A WIDTH OF 600 MM OR MORE, COLD-ROLLED (COLD-REDUCED), NOT CLAD, PLATED OR COATED	
	7209.10	—Plates	Rs. 800 per tonne
	7209.20	—Sheets	Rs. 800 per tonne
	7209.30	—Strips	Rs. 800 per tonne
	7209.90	—Other	Rs. 800 per tonne
72.10		FLAT-ROLLED PRODUCTS OF IRON OR NON-ALLOY STEEL, OF A WIDTH OF 600 MM OR MORE, CLAD, PLATED OR COATED	
		—Plated or coated with zinc :	
	7210.11	—Corrugated	Rs. 1,200 per tonne
	7210.19	—Other	Rs. 1,200 per tonne
	7210.20	—Plated or coated with tin	Rs. 1,200 per tonne
	7210.30	—Painted, lacquered, varnished or plastic coated	Rs. 1,500 per tonne
	7210.90	—Other	15%
72.11		FLAT-ROLLED PRODUCTS OF IRON OR NON-ALLOY STEEL, OF A WIDTH OF LESS THAN 600 MM, NOT CLAD, PLATED OR COATED	
		—Flats :	
	7211.11	—Exceeding 5 mm in thickness	Rs. 400 per tonne
	7211.19	—Other	Rs. 550 per tonne
		—Universal plates :	
	7211.21	—Exceeding 5 mm in thickness	Rs. 400 per tonne
	7211.29	—Other	Rs. 550 per tonne
	7211.30	—Hoops	Rs. 550 per tonne
		—Sheets :	
	7211.41	—Cold-rolled (cold-reduced)	Rs. 800 per tonne
	7211.42	—Hot-rolled, exceeding 5 mm in thickness	Rs. 400 per tonne

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(1)	(2)	(3)	(4)
	7211.49	—Other	Rs. 550 per tonne
		—Strips :	
	7211.51	—Cold-rolled (cold-reduced)	Rs. 800 per tonne
	7211.52	—Hot-rolled, exceeding 5 mm in thickness	Rs. 400 per tonne
	7211.59	—Other	Rs. 550 per tonne
	7211.60	—Skelp	Rs. 550 per tonne
		—Other flat products :	
	7211.91	—Cold-rolled (cold-reduced)	Rs. 800 per tonne
	7211.92	—Hot-rolled exceeding 5 mm in thickness	Rs. 400 per tonne
	7211.99	—Other	Rs. 550 per tonne
72.12		FLAT-ROLLED PRODUCTS OF IRON OR NON-ALLOY STEEL, OF WIDTH OF LESS THAN 600 MM, CLAD, PLATED OR COATED	
		—Plated or coated with zinc :	
	7212.11	—Corrugated	Rs. 1,200 per tonne
	7212.19	—Other	Rs. 1,200 per tonne
	7212.20	—Plated or coated with tin	Rs. 1,200 per tonne
	7212.30	—Painted, lacquered, varnished or plastic coated	Rs. 1,500 per tonne
	7212.90	—Other	15%
72.13		BARS AND RODS, HOT-ROLLED, IN IRREGULARLY WOUND COILS OF IRON OR NON-ALLOY STEEL	
	7213.10	—Of free-cutting steel	Rs. 400 per tonne
	7213.90	—Other	Rs. 400 per tonne
72.14		OTHER BARS AND RODS OF IRON OR NON-ALLOY STEEL, NOT FURTHER WORKED THAN FORGED, HOT-ROLLED, HOT-DRAWN OR HOT-EXTRUDED BUT INCLUDING THOSE TWISTED AFTER ROLLING	
	7214.10	—Forged	Rs. 550 per tonne
	7214.20	—Of free-cutting steel	Rs. 400 per tonne
	7214.90	—Other	Rs. 400 per tonne
72.15		OTHER BARS AND RODS OF IRON OR NON-ALLOY STEEL	
	7215.10	—Of free-cutting steel not further worked than cold-formed or cold-finished	Rs. 800 per tonne

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(1)	(2)	(3)	(4)
	7215.20	—Other, not further worked than cold-formed or cold-finished	Rs. 800 per tonne
	7215.30	—Plated or coated with zinc	Rs. 1,200 per tonne
	7215.40	—Plated or coated with other base metals	Rs. 1,200 per tonne
	7215.90	—Other	Rs. 400 per tonne
72.16		ANGLES, SHAPES AND SECTIONS OF IRON OR NON-ALLOY STEEL	
	7216.10	—Not further worked than hot-rolled, hot-drawn or extruded	Rs. 400 per tonne
	7216.20	—Not further worked than cold-formed or cold-finished	Rs. 800 per tonne
	7216.30	—Plated or coated with zinc	Rs. 1,200 per tonne
	7216.40	—Plated or coated with other base metals	Rs. 1,200 per tonne
	7216.50	—Slotted angles and slotted channels	15%
	7216.60	—Forged	Rs. 550 per tonne
	7216.90	—Other	Rs. 400 per tonne
72.17		WIRE OF IRON OR NON-ALLOY STEEL	
	7217.10	—Electric resistance wire (including electric resistance heating wire)	10%
	7217.90	—Other	Rs. 400 per tonne
		III—STAINLESS STEEL	
72.18	7218.00	STAINLESS STEEL IN INGOTS OR OTHER PRIMARY FORMS ; SEMI-FINISHED PRODUCTS OF STAINLESS STEEL	Rs. 1,500 per tonne
72.19		FLAT-ROLLED PRODUCTS OF STAINLESS STEEL, OF A WIDTH OF 600 MM OR MORE	
	7219.10	—Not further worked than hot-rolled, whether or not in coils	Rs. 1,500 per tonne
	7210.20	—Not further worked than cold-rolled (cold-reduced)	Rs. 1,500 per tonne
	7219.90	—Other	Rs. 1,500 per tonne
72.20		FLAT-ROLLED PRODUCTS OF STAINLESS STEEL, OF A WIDTH OF LESS THAN 600 MM	
	7220.10	—Not further worked than hot-rolled, whether or not in coils	Rs. 1,500 per tonne
	7220.20	—Not further worked than cold-rolled (cold-reduced)	Rs. 1,500 per tonne
	7220.90	—Other	Rs. 1,500 per tonne
72.21	7221.00	BARS AND RODS, HOT-ROLLED, IN IRREGULARLY WOUND COILS, OF STAINLESS STEEL	Rs. 1,500 per tonne
72.22		OTHER BARS AND RODS OF STAINLESS STEEL ; ANGLES, SHAPES AND SECTIONS OF STAINLESS STEEL	

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(1)	(2)	(3)	(4)
	7222.10	—Bars and rods, not further worked than hot-rolled, hot-drawn or extruded	Rs. 1,500 per tonne
	7222.20	Bars and rods, not further worked than cold-formed or cold-finished	Rs. 1,500 per tonne
	7222.30	—Other bars and rods	Rs. 1.500 per tonne
	7222.40	—Angles, shapes and sections	Rs. 1,500 per tonne
72.23	7223.00	—WIRE OF STAINLESS STEEL	Rs. 1,500 per tonne
		IV—OTHER ALLOY STEEL; HOLLOW DRILL BARS AND RODS, OF ALLOY OR NON-ALLOY STEEL	
72.24	7224.00	OTHER ALLOY STEEL IN INGOTS OR OTHER PRIMARY FORMS ; SEMI-FINISHED PRODUCTS OF OTHER ALLOY STEEL	Rs. 1,500 per tonne
72.25		FLAT-ROLLED PRODUCTS OF OTHER ALLOY STEEL, OF A WIDTH OF 600 MM OR MORE	
	7225.10	—Of silicon-electrical steel	Rs. 1,500 per tonne
	7225.20	—Of high speed steel	Rs. 1,500 per tonne
	7225.30	—Other, not further worked than hot-rolled whether or not in coils	Rs. 1,500 per tonne
	7225.40	—Other, not further worked than cold-rolled (cold-reduced)	Rs. 1,500 per tonne
	7225.90	—Other	Rs. 1,500 per tonne
72.26		FLAT-ROLLED PRODUCTS OF OTHER ALLOY STEEL, OF A WIDTH OF LESS THAN 600 MM	
	7226.10	—Of silicon-electrical steel	Rs. 1,500 per tonne
	7226.20	—Of high speed steel	Rs. 1,500 per tonne
		—Other :	
	7226.91	—Not further worked than hot-rolled	Rs. 1,500 per tonne
	7226.92	—Not further worked than cold-rolled (cold-reduced)	Rs. 1,500 per tonne
	7226.99	—Other	Rs. 1,500 per tonne
72.27		BARS AND RODS, HOT-ROLLED, IN IRREGULARLY WOUND COILS, OF OTHER ALLOY STEEL	
	7227.10	—Of high speed steel	Rs. 1,500 per tonne
	7227.20	—Of silico-manganese steel	Rs. 1,500 per tonne
	7227.90	—Other	Rs. 1,500 per tonne

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(1)	(2)	(3)	(4)
72.28		OTHER BARS AND RODS OF OTHER ALLOY STEEL ; ANGLES, SHAPES AND SECTIONS, OF OTHER ALLOY STEEL ; HOLLOW DRILL BARS AND RODS ; OF ALLOY OR NON-ALLOY STEEL	
	7228.10	—Bars and rods of high speed steel	Rs. 1,500 per tonne
	7228.20	—Bars and rods of silico-manganese steel	Rs. 1,500 per tonne
	7228.30	—Other bars and rods not further worked than hot-rolled, hot-drawn or extruded	Rs. 1,500 per tonne
	7228.40	—Other bars and rods, not further worked than forged	Rs. 1,500 per tonne
	7228.50	—Other bars and rods, not further worked than cold-formed or cold-finished	Rs. 1,500 per tonne
	7228.60	—Other bars and rods	Rs. 1,500 per tonne
		—Angles, shapes and sections :	
	7228.71	—Not further worked than hot-rolled, hot drawn or extruded	Rs. 1,500 per tonne
	7228.72	—Not further worked than cold-formed or cold-finished	Rs. 1,500 per tonne
	7228.79	—Other	Rs. 1,500 per tonne
		—Hollow drill bars and rods :	
	7228.81	—Of alloy steel	Rs. 1,500 per tonne
	7228.82	—Of non-alloy steel, forged	Rs. 550 per tonne
	7228.89	—Other	Rs. 400 per tonne
72.29		WIRE OF OTHER ALLOY STEEL	
	7229.10	—Of high speed steel	Rs. 1,500 per tonne
	7229.20	—Of silico-manganese steel	Rs. 1,500 per tonne
	7229.30	—Electric resistance wire (including electric resistance heating wire)	10%
	7229.90	—Other	Rs. 1,500 per tonne
72.30	7230.00	GOODS AND MATERIALS OF CHAPTER 72 OBTAINED BY BREAKING UP OF SHIPS, BOATS AND OTHER FLOATTNG STRUCTURES	Rs. 1,800 per tonne" ;

(8) in Chapter 73, for heading Nos. 73.01 to 73.09, the following headings shall be substituted, namely :—

"73.01		SHEET PILING OF IRON OR STEEL, WHETHER OR NOT DRILLED, PUNCHED OR MADE FROM ASSEMBLED ELEMENTS ; WELDED ANGLES, SHAPES AND SECTIONS, OF IRON OR STEEL	
	7301.10	—Sheet piling	Rs. 400 per tonne
	7301.20	—Angles, shapes and sections	Rs. 400 per tonne

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(2)	(2)	(3)	(4)
73.02		RAILWAY OR TRAMWAY TRACK CONSTRUCTION MATERIAL OF IRON OR STEEL, THE FOLLOWING : RAILS, CHECKRAILS AND RACK RAILS, SWITCH BLADES, CROSSING FROGS, POINT RODS AND OTHER CROSSING PIECES, SLEEPERS (CROSS-TIES), FISH-PLATES, CHAIRS, CHAIR WEDGES, SOLE PLATES (BASE PLATES), RAIL CLIPS, BEDPLATES, TIES AND OTHER MATERIAL SPECIALIZED FOR JOINTING OR FIXING RAILS	
	7302.10	—Rails	Rs. 400 per tonne
	7302.20	—Sleepers (cross-ties)	Rs. 400 per tonne
	7302.90	—Other	15%
73.03	7303.00	TUBES, PIPES AND HOLLOW PROFILES, OF CAST IRON	Rs. 100 per tonne
73.04		TUBES, PIPES AND HOLLOW PROFILES, SEAMLESS, OF IRON (OTHER THAN CAST IRON) OR STEEL	
	7304.10	—Of iron	Rs. 100 per tonne
	7304.90	—Other	Rs. 1,500 per tonne
73.05		OTHER TUBES AND PIPES (FOR EXAMPLE, WELDED, RIVETED OR SIMILARLY CLOSED), HAVING INTERNAL AND EXTERNAL CIRCULAR CROSS-SECTIONS, THE EXTERNAL DIAMETER OF WHICH EXCEEDS 406.4 MM, OF IRON OR STEEL	
	7305.10	—Of iron	Rs. 100 per tonne
	7305.90	—Other	Rs. 1,500 per tonne
73.06		OTHER TUBES, PIPES AND HOLLOW PROFILES (FOR EXAMPLE, OPEN SEAM OR WELDED, RIVETED OR SIMILARLY CLOSED), OF IRON OR STEEL	
	7306.10	—Of iron	Rs. 100 per tonne
	7306.90	—Other	Rs. 1,500 per tonne
73.07	7307.00	TUBE OR PIPE FITTINGS (FOR EXAMPLE, COUPLINGS, ELBOWS, SLEEVES), OF IRON OR STEEL	15%
73.08		STRUCTURES (EXCLUDING PREFABRICATED BUILDINGS OF HEADING NO. 94.06) AND PARTS OF STRUCTURES (FOR EXAMPLE, BRIDGES AND BRIDGE-SECTIONS, LOCK-GATES, TOWERS, LATTICE MASTS, ROOFS, ROOFING FRAMEWORKS, DOORS AND WINDOWS AND THEIR FRAMES AND THRESHOLDS FOR DOORS, SHUTTERS, BALUSTRADES, PILLARS AND COLUMNS), OF IRON OR STEEL ; PLATES, RODS, ANGLES, SHAPES, SECTIONS, TUBES AND THE LIKE, PREPARED FOR USE IN STRUCTURES, OF IRON OR STEEL	

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(1)	(2)	(3)	(4)
	7308.10	—Bridges and bridge-sections	15%
	7308.20	—Towers and lattice masts	15%
	7308.30	—Doors, windows and their frames and thresholds for doors	15%
	7308.40	Props and similar equipment for scaffolding, shuttering or pit-propping	15%
	7308.90	—Other	15%
73.09	7309.00	RESERVOIRS, TANKS, VATS AND SIMILAR CONTAINERS FOR ANY MATERIAL (OTHER THAN COMPRESSED OR LIQUEFIED GAS), OF IRON OR STEEL, OF A CAPACITY EXCEEDING 300 L, WHETHER OR NOT LINED OR HEAT-INSULATED, BUT NOT FITTED WITH MECHANICAL OR THERMAL EQUIPMENT	15%
73.10	7310.00	TANKS, CASKS, DRUMS, CANS, BOXES, AND SIMILAR CONTAINERS, FOR ANY MATERIAL (OTHER THAN COMPRESSED OR LIQUEFIED GAS), OF IRON OR STEEL, OF A CAPACITY NOT EXCEEDING 300 L, WHETHER OR NOT LINED OR HEAT-INSULATED, BUT NOT FITTED WITH MECHANICAL OR THERMAL EQUIPMENT	20% *plus* Rs. 100 per container
73.11	7311.00	CONTAINERS FOR COMPRESSED OR LIQUEFIED GAS, OF IRON OR STEEL	20% *plus* Rs. 100 per container
73.12		STRANDED WIRE, ROPES, CABLES, PLAITED BANDS, SLINGS AND THE LIKE, OF IRON OR STEEL, NOT ELECTRICALLY INSULATED	
	7312.10	—STRANDED WIRE, ROPES AND CABLES	15%
	7312.90	—Other	15%
73.13	7313.00	BARBED WIRE OF IRON OR STEEL ; TWISTED HOOP OR SINGLE FLAT WIRE, BARBED OR NOT, AND LOOSELY TWISTED DOUBLE WIRE, OF A KIND USED FOR FENCING, OF IRON OR STEEL	15%
73.14	7314.00	CLOTH (INCLUDING ENDLESS BANDS), GRILL, NETTING AND FENCING, OF IRON OR STEEL WIRE ; EXPANDED METAL OF IRON OR STEEL	15%
73.15	7315.00	CHAIN AND PARTS THEREOF, OF IRON OR STEEL	15%
73.16	7316.00	ANCHORS, GRAPNELS AND PARTS THEREOF, OF IRON OR STEEL	15%
73.17	7317.00	NAILS, TACKS, DRAWING PINS, CORRUGATED NAILS, STAPLES (OTHER THAN THOSE OF HEADING NO. 83.05) AND SIMILAR ARTICLES, OF IRON OR STEEL, WHETHER OR NOT WITH HEADS OF OTHER MATERIAL, BUT EXCLUDING SUCH ARTICLES WITH HEADS OF COPPER	15%
73.18		SCREWS, BOLTS, NUTS, COACH-SCREWS, SCREW HOOKS, RIVETS, COTTERS, COTTER-PINS, WASHERS (INCLUDING SPRING WASHERS) AND SIMILAR ARTICLES, OF IRON OR STEEL	
	7318.10	—Threaded articles	20%
		—Non-threaded articles :	

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(1)	(2)	(3)	(4)
	7318.21	—Circlips	20%
	7318.29	—Other	15%
	7318.90	—Other	15%
73.19	7319.00	SEWING NEEDLES, KNITTING NEEDLES, BODKINS, CROCHET HOOKS, EMBROIDERY STILETTOS AND SIMILAR ARTICLES, FOR USE IN THE HAND, OF IRON OR STEEL ; SAFETY PINS AND OTHER PINS OF IRON OR STEEL, NOT ELSEWHERE SPECIFIED OR INCLUDED	15%
73.20	7320.00	SPRINGS AND LEAVES FOR SPRINGS, OF IRON OR STEEL	15%
73.21		STOVES, RANGES, GRATES, COOKERS (INCLUDING THOSE WITH SUBSIDIARY BOILERS FOR CENTRAL HEATING), BARBECUES, BRAZIERS, GAS-RINGS, PLATE WARMERS AND SIMILAR NON-ELECTRIC DOMESTIC APPLIANCES, AND PARTS THEREOF, OF IRON OR STEEL	
	7321.10	—Cooking appliances and plate warmers	15%
	7321.20	—Other appliances	15%
	7321.90	—Parts	20%
73.22	7322.00	RADIATORS FOR CENTRAL HEATING, NOT ELECTRICALLY HEATED, AND PARTS THEREOF, OF IRON OR STEEL ; AIR HEATERS AND HOT AIR DISTRIBUTORS WHICH CAN ALSO DISTRIBUTE FRESH OR CONDITIONED AIR, NOT ELECTRICALLY HEATED, INCORPORATING A MOTOR-DRIVEN FAN OR BLOWER, AND PARTS THEREOF OF IRON OR STEEL	15%
73.23	7323.00	TABLE, KITCHEN OR OTHER HOUSEHOLD ARTICLES AND PARTS THEREOF, OF IRON OR STEEL ; IRON OR STEEL WOOL ; POT SCOURERS AND SCOURING OR POLISHING PADS, GLOVES AND THE LIKE OF IRON OR STEEL	15%
73.24	7324.00	SANITARY WARE AND PARTS THEREOF, OF IRON OR STEEL	15%
73.25		OTHER CAST ARTICLES OF IRON OR STEEL	
	7325.10	—Of iron	Rs. 100 per tonne
	7325.20	—Of alloy steel	Rs. 1,500 per tonne
	7325.30	—Of stainles steel	Rs. 1,500 per tonne
	7325.90	—Other	Rs. 400 per tonne
73.26		OTHER ARTICLES OF IRON OR STEEL	
		—FORGED OR STAMPED, BUT NOT FURTHER WORKED :	
	7326.11	—Grinding balls and similar articles for mills	15%
	7326.19	—Other	15%
	7326.20	—Articles of iron or steel wire	15%
	7326.90	—Other	15%

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(1)	(2)	(3)	(4)
73.27	7327.00	GOODS AND MATERIALS OF CHAPTER 73 OBTAINED BY THE BREAKING UP OF SHIPS, BOATS AND OTHER FLOATING STRUCTURES	Rs. 1,800 per tonne" ;

(9) in Chapter 74, for heading Nos. 74.01 to 74.13, the following headings shall be substituted, namely :—

"74.01		COPPER MATTES ; CEMENT COPPER (PRECIPITATED COPPER)	
	7401.10	—Copper mattes	Rs. 6,200 per tonne
	7401.20	—Cement copper (precipitated copper)	Rs. 6,200 per tonne
74.02	7402.00	UNREFINED COPPER ; COPPER ANODES FOR ELECTROLYTIC REFINING	Rs. 6,200 per tonne
74.03		REFINED COPPER AND COPPER ALLOYS, UNWROUGHT	
		—Refined copper :	
	7403.11	—Cathodes and sections of cathodes	Rs. 6,200 per tonne
	7403.12	—Wire-bars	Rs. 6,200 per tonne
	7403.13	—Billets	Rs. 6,200 per tonne
	7403.19	—Other	Rs. 6,200 per tonne
		—Copper alloys :	
	7403.21	—Copper-zinc base alloys (brass)	Rs. 6,200 per tonne
	7403.22	—Copper-tin base alloys (bronze)	Rs. 6,2000 per tonne
	7403.23	—Copper-nickel base alloys (cupro-nickel) or copper-nickel-zinc base alloys (nickel silver)	Rs. 6,200 per tonne
	7403.29	—Other copper alloys (other than master alloys of heading No. 74.05)	Rs. 6,200 per tonne
74.04	7404.00	COPPER WASTE AND SCRAP	Rs. 6,200 per tonne
74.05	7405.00	MASTER ALLOYS OF COPPER	Rs. 6,200 per tonne
74.06	7406.00	COPPER POWDERS AND FLAKES	15%
74.07		COPPER BARS, RODS AND PROFILES	
		—Bars and rods :	
	7407.11	—Of refined copper	Rs. 6,200 per tonne
	7407.12	—Of copper alloys	Rs. 6,200 per tonne
		—Profiles :	
	7407.21	—Hollow profiles	15%
	7407.29	—Other	Rs. 7,400 per tonne

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(1)	(2)	(3)	(4)
74.08		COPPER WIRE	
		—Of refined copper :	
	7408.11	—Of which the maximum cross-sectional dimension exceeds 6 mm	Rs. 6,200 per tonne
	7408.19	—Other	20%
		—Of copper alloys :	
	7408.21	—Of which the maximum cross-sectional dimension exceeds 6 mm	Rs. 6,200 per tonne
	7408.29	—Other	20%
74.09		COPPER PLATES, SHEETS (INCLUDING CIRCLES) AND STRIP, OF A THICKNESS EXCEEDING 0.15 MM	
	7409.10	—Of refined copper	Rs. 7,400 per tonne
	7409.20	—Of copper-zinc base alloys (brass)	Rs. 7,400 per tonne
	7409.30	—Of copper-tin base alloys (bronze)	Rs. 7,400 per tonne
	7409.40	—Of copper-nickel base alloys (cupro-nickel) or copper-nickel-zinc base alloys (nickel silver)	Rs. 7,400 per tonne
	7409.90	—Of other copper alloys	Rs. 7,400 per tonne
74.10		COPPER FOIL (WHETHER OR NOT PRINTED OR BACKED WITH PAPER, PAPERBOARD, PLASTICS OR SIMILAR BACKING MATERIALS) OF A THICKNESS (EXCLUDING ANY BACKING) NOT EXCEEDING 0.15 MM	
		—Not backed :	
	7410.11	—Of refined copper	Rs. 7,400 per tonne
	7410.12	—Of copper alloys	Rs. 7,400 per tonne
		—Backed :	
	7410.21	—Of refined copper	Rs. 7,400 per tonne
	7410.22	—Of copper alloys	Rs. 7,400 per tonne
74.11		COPPER TUBES AND PIPES :	
	7411.10	—Of refined copper	15%
		—Of copper alloys :	
	7411.21	—Of copper-zinc base alloys (brass)	15%
	7411.22	—Of copper-nickel base alloys (cupro-nickel) or copper-nickel-zinc base alloys (nickel silver)	15%
	7411.29	—Other	15%
74.12		COPPER TUBE OR PIPE FITINGS (FOR EXAMPLE, COUPLINGS, ELBOWS, SLEEVES)	
	7412.10	—Of refined copper	15%
	7412.20	—Of copper alloys	15%

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(1)	(2)	(3)	(4)
74.13	7413.00	STRANDED WIRE, CABLES, PLAITED BANDS AND THE LIKE, OF COPPER, NOT ELECTRICALLY INSULATED	20%
74.14		CLOTH (INCLUDING ENDLESS BANDS) GRILL AND NETTING, OF COPPER WIRE ; EXPANDED METAL OF COPPER	
	7414.10	—Endless bands, for machinery	15%
	7414.90	—Other	15%
74.15		NAILS, TACKS, DRAWING PINS, STAPLES (OTHER THAN THOSE OF HEADING NO. 83.05) AND SIMILAR ARTICLES, OF COPPER OR OF IRON OR STEEL WITH HEADS OF COPPER ; SCREWS, BOLTS, NUTS, SCREW HOOKS, RIVETS, COTTERS, COTTER-PINS, WASHERS (INCLUDING SPRING WASHERS) AND SIMILAR ARTICLES, OF COPPER	
	7415.10	—Nails and tacks, drawing pins, staples and similar articles	15%
		—Other articles, not threaded :	
	7415.21	—Washers (including spring washers)	15%
	7415.29	—Other	15%
		—Other threaded articles :	
	7415.31	—Screws for wood	20%
	7415.32	—Other screws ; bolts and nuts	20%
	7415.39	—Other	20%
74.16	7415.00	COPPER SPRINGS	15%
74.17	7417.00	COOKING OR HEATING APPARATUS OF A KIND USED FOR DOMESTIC PURPOSES, NON-ELECTRIC, AND PARTS THEREOF, OF COPPER	15%
74.18		TABLE, KITCHEN OR OTHER HOUSEHOLD ARTICLES AND PARTS THEREOF, OF COPPER ; POT SCOURERS AND SCOURING OR POLISHING PADS, GLOVES AND THE LIKE, OF COPPER ; SANITARY WARE AND PARTS THEREOF, OF COPPER	
	7418.10	—Table, kitchen or other household articles and parts thereof ; pot scourers and scouring or polishing pads, gloves and the like	15%
	7418.20	—Sanitary ware and parts thereof	15%
74.19	7419.10	OTHER ARTICLES OF COPPER	
		—Chain and parts thereof	15%
		—Other :	
	7419.91	—Cast, moulded, stamped or forged, but not further worked	15%
	7419.99	—Other	15%" ;

(10) in Chapter 75, for heading No. 75.01, the following headings shall be substituted, namely :—

"75.01		NICKEL MATTES, NICKEL OXIDE SINTERS AND OTHER INTERMEDIATE PRODUCTS OF NICKEL METALLURGY	

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(1)	(2)	(3)	(4)
	7501.10	—Nickel mattes	15%
	7501.20	—Nickel oxide sinters and other intermediate products of nickel metallurgy	15%
75.02		UNWROUGHT NICKEL	
	7502.10	—Nickel, not alloyed	15%
	7502.20	—Nickel alloys	15%
75.03	7503.00	NICKEL WASTE AND SCRAP	15%
75.04	7504.00	NICKEL POWDERS AND FLAKES	15%
75.05		NICKEL BARS, RODS, PROFILES AND WIRE	
		—Bars, rods and profiles :	
	7505.11	—Of nickel, not alloyed	15%
	7505.12	—Of nickel alloys	15%
		—Wire :	
	7505.21	—Of nickel, not alloyed	15%
	7505.22	—Of nickel alloys	15%
75.06		NICKEL PLATES, SHEETS, STRIP AND FOIL	
	7506.10	—Of nickel, not alloyed	15%
	7506.20	—Of nickel alloys	15%
75.07		NICKEL TUBES, PIPES AND TUBE OR PIPE FITTINGS (FOR EXAMPLE, COUPLINGS, ELBOWS, SLEEVES)	
		—Tubes and pipes :	
	7507.11	—Of nickel, not alloyed	15%
	7507.12	—Of nickel alloys	15%
	7507.20	—Tube or pipe fittings	15%
75.08	7508.00	OTHER ARTICLES OF NICKEL	15%" ;

(11) in Chapter 76, for heading Nos. 76.01 to 76.13, for following headings shall be substituted, namely :—

"76.01		UNWROUGHT ALUMINIUM, WHETHER OR NOT ALLOYED	
	7601.10	—Ingots, billets	50% *plus* Rs. 4,000 per tonne
	7601.20	—Wire-bars	50% *plus* Rs. 4,000 per tonne
	7601.30	—Wire-rods	50% *plus* Rs. 4,000 per tonne
	7601.90	—Other	50% *plus* Rs. 4,000 per tonne
76.02	7602.00	ALUMINIUM WASTE AND SCRAP	50% *plus* Rs. 4,000 per tonne
76.03	7603.00	ALUMINIUM POWDERS AND FLAKES	50% *plus* Rs. 4,000 per tonne

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(1)	(2)	(3)	(4)
76.04		ALUMINIUM BARS, RODS AND PROFILES, WHETHER OR NOT ALLOYED	
	7604.10	—Wire-rods	50% *plus* Rs. 4,000 per tonne
		—Profiles :	
	7604.21	—Hollow	50% *plus* Rs. 4,000 per tonne
	7604.29	—Other	50% *plus* Rs. 4,000 per tonne
	7604.30	—Bars and other rods	50% *plus* Rs. 4,000 per tonne
76.05		ALUMINIUM WIRE —Of aluminium, not alloyed :	
	7605.11	—Of which the maximum cross-sectional dimension exceeds 6 mm	50% *plus* Rs. 4,000 per tonne
	7605.19	—Other	50% *plus* Rs. 4,000 per tonne
		—Of aluminium alloys :	
	7605.21	—Of which the maximum cross-sectional dimension exceeds 6 mm	50% *plus* Rs. 4,000 per tonne
	7605.29	—Other	50% *plus* Rs. 4,000 per tonne
76.06		ALUMINIUM PLATES, SHEETS (INCLUDING CIRCLES) AND STRIP OF A THICKNESS EXCEEDING 0.2 MM	
	7606.10	—Of aluminium, not alloyed	50% *plus* Rs. 4,000 per tonne
	7606.20	—Of aluminium alloys	50% *plus* Rs. 4,000 per tonne
76.07		ALUMINIUM FOIL (WHETHER OR NOT PRINTED OR BACKED WITH PAPER, PAPERBOARD, PLASTICS OR SIMILAR BACKING MATERIALS) OF A THICKNESS (EXCLUDING ANY BACKING) NOT EXCEEDING 0.2 MM	
	7607.10	—Plain	50% *plus* Rs. 4,000 per tonne
	7607.20	—Embossed	50% *plus* Rs. 4,000 per tonne
	7607.30	—Perforated or cut-to-shape	50% *plus* Rs. 4,000 per tonne
	7607.40	—Coated	50% *plus* Rs. 4,000 per tonne

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(1)	(2)	(3)	(4)
	7607.50	—Printed	50% *plus* Rs. 4,000 per tonne
	7607.60	—Backed	50% *plus* Rs. 4,000 per tonne
	7607.90	—Other	50% *plus* Rs. 4,000 per tonne
76.08		ALUMINIUM TUBES AND PIPES	
	7608.10	—Of aluminium, not alloyed	50% *plus* Rs. 4,000 per tonne
	7608.20	—Of aluminium alloys	50% *plus* Rs. 4,000 per tonne
76.09	7609.00	ALUMINIUM TUBE OR PIPE FITTINGS (FOR EXAMPLE, COUPLINGS, ELBOWS, SLEEVES)	20%
76.10		ALUMINIUM STRUCTURES (EXCLUDING PRE-FABRICATED BUILDINGS OF HEADING NO. 94.06) AND PARTS OF STRUCTURES (FOR EXAMPLE, BRIDGES, AND BRIDGE-SECTIONS, TOWERS, LATTICE MASTS, ROOFS, ROOFING FRAMEWORKS, DOORS AND WINDOWS AND THEIR FRAMES AND THRESHOLDS FOR DOORS, BALUSTRADES, PILLARS AND COLUMNS) ; ALUMINIUM PLATES, RODS, PROFILES, TUBES AND THE LIKE, PREPARED FOR USE IN STRUCTURES	
	7610.10	—Doors, windows and their frames and thresholds for doors	20%
	7610.90	—Other	20%
76.11	7611.00	ALUMINIUM RESERVOIRS, TANKS, VATS AND SIMILAR CONTAINERS, FOR ANY MATERIAL (OTHER THAN COMPRESSED OR LIQUEFIED GAS), OF A CAPACITY EXCEEDING 300 L, WHETHER OR NOT LINED OR HEAT-INSULATED, BUT NOT FITTED WITH MECHANICAL OR THERMAL EQUIPMENT	20%
76.12		ALUMINIUM CASKS, DRUMS, CANS, BOXES AND SIMILAR CONTAINERS (INCLUDING RIGID OR COLLAPSIBLE TUBULAR CONTAINERS), FOR ANY MATERIAL (OTHER THAN COMPRESSED OR LIQUEFIED GAS), OF A CAPACITY NOT EXCEEDING 300 L, WHETHER OR NOT LINED OR HEAT-INSULATED, BUT NOT FITTED WITH MECHANICAL OR THERMAL EQUIPMENT	
		—Collapsible tubular containers :	
	7612.11	—Plain	20%
	7612.12	—Lacquered	20%
	7612.13	—Printed	20%
	7612.19	—Other	20%
		—Other	
	7612.91	—Plain	20%
	7612.92	—Lacquered	20%

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(1)	(2)	(3)	(4)
	7612.93	—Printed	20%
	7612.99	—Other	20%
76.13		ALUMINIUM CONTAINERS FOR COMPRESSED OR LIQUEFIED GAS	
	7613.10	—Plain	20%
	7613.20	—Lacquered	20%
	7613.30	—Printed	20%
	7613.90	—Other	20%
76.14		STRANDED WIRE, CABLES, PLAITED BANDS AND THE LIKE, OF ALUMINIUM, NOT ELECTRICALY INSULATED	
	7614.10	—With steel core	20%
	7614.90	—Other	20%
76.15		TABLE, KITCHEN OR OTHER HOUSEHOLD ARTICLES AND PARTS THEREOF, OF ALUMINIUM ; POT SCOURERS AND SCOURING OR POLISHING PADS, GLOVES AND THE LIKE, OF ALUMINIUM ; SANITARY WARE AND PARTS THEREOF, OF ALUMINIUM	
	7615.10	—Table, kitchen or other household articles and parts thereof ; pot scourers and scouring or polishing pads, gloves and the like	20%
	7615.20	—Sanitary ware and parts thereof	20%
		OTHER ARTICLES OF ALUMINIUM	
	7616.10	—Nails, tacks, staples (other than those of heading No. 83.05), screws, bolts, nuts, screw hooks, rivets, cotters, cotter-pins, washers and similar articles	20%
76.16	7616.90	—Other	25%" ;

(12) in Chapter 78, for heading Nos. 78.01 to 78.08, the following headings shall be substituted, namely :—

"78.01		UNWROUGHT LEAD	
	7801.10	—Refined lead	Rs. 930 per tonne
	7801.90	—Other	Rs. 930 per tonne
78.02	7802.00	LEAD WASTE AND SCRAP	Rs. 930 per tonne
78.03		LEAD BARS, RODS, PROFILES AND WIRE	
	7803.10	—Lead bars and rods	Rs. 1,100 per tonne
		—Profiles :	
	7803.21	—Hollow	17%
	7803.29	—Other	Rs. 1,100 per tonne
	7803.30	—Lead wire	Rs. 930 per tonne
78.04		LEAD PLATES, SHEETS (INCLUDING CIRCLES), STRIP AND FOIL ; LEAD POWDERS AND FLAKES	

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(1)	(2)	(3)	(4)
	7804.10	—Plates, sheets (including circles), strip and foil	Rs. 1,100 per tonne
	7804.20	—Powders and flakes	15%
78.05		LEAD TUBES, PIPES AND TUBE OR PIPE FITTINGS (FOR EXAMPLE, COUPLINGS, ELBOWS, SLEEVES)	
	7805.10	—Lead tubes and pipes	17%
	7805.20	—Lead tube or pipe fittings (for example, couplings, elbows, sleeves)	15%
78.06	7806.00	OTHER ARTICLES OF LEAD	15%";

(13) in Chapter 79, for heading Nos. 79.01 to 79.10, the following headings shall be substituted, namely :—

"79.01		UNWROUGHT ZINC	
	7901.10	—Zinc, not alloyed	Rs. 3,600 per tonne
	7901.20	—Zinc alloys	Rs. 3,600 per tonne
79.02	7902.00	—ZINC WASTE AND SCRAP	Rs. 3,600 per tonne
79.03		ZINC DUST, POWDERS AND FLAKES	
	7903.10	—Zine dust	17%
	7903.90	—Other	17%
79.04		ZINC BARS, RODS (INCLUDING WIRE-RODS), PROFILES AND WIRE	
	7904.10	—Zinc bars and rods (including wirerods)	Rs. 3,600 per tonne
		—Profiles :	
	7904.21	—Hollow	28%
	7904.29	—Other	Rs. 4.200 per tonne
	7904.30	—Zinc wire	Rs. 3,600 per tonne
79.05		ZINC PLATES, SHEETS (INCLUDING CIRCLES AND CALOTS), STRIP AND FOIL	
	7905.10	—Zinc Calots	Rs. 5,225 per tonne
	7905.90	—Other	Rs. 4,200 per tonne
79.06		ZINC TUBES, PIPES AND TUBE OR PIPE FITTINGS (FOR EXAMPLE, COUPLINGS, ELBOWS, SLEEVES)	
	7906.10	—Zinc tubes and pipes	28%
	7906.20	—Zinc tube or pipe fittings (for example, couplings, elbows, sleeves)	15%
79.07		OTHER ARTICLES OF ZINC	
	7907.10	—Gutters, roof capping, skylight frames and other fabricated building components	15%
	7907.90	—Other	15%";

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(1)	(2)	(3)	(4)
		(14) in Chapter 80, for heading No. 80.01, the following headings shall be substituted namely :—	
"80.01		UNWROUGHT TIN	
	8001.10	—Tin, not alloyed	15%
	8001.20	—Tin alloys	15%
80.02	8002.00	TIN WASTE AND SCRAP	15%
80.03	8003.00	TIN BARS, RODS, PROFILES AND WIRE	15%
80.04	8004.00	TIN PLATES, SHEETS AND STRIP, OF A THICKNESS EXCEEDING 0.2 MM	15%
80.05		TIN FOIL (WHETHER OR NOT PRINTED OR BACKED WITH PAPER, PAPERBOARD, PLASTICS OR SIMILAR BACKING MATERIALS), OF A THICKNESS (EXCLUDING ANY BACKING) NOT EXCEEDING 0.2 MM; TIN POWDERS AND FLAKES	
	8005.10	—Foil	15%
	8005.20	—Powders and flakes	15%
80.06	8006.00	TIN TUBES, PIPES AND TUBE OR PIPE FITTINGS (FOR EXAMPLE, COUPLINGS, ELBOWS, SLEEVES)	15%
80.07	8007.00	OTHER ARTICLES OF TIN	15%" ;
		(15) in Chapter 81, for heading No. 81.01, the following headings shall be substituted, namely :—	
"81.01	8101.00	TUNGSTEN (WOLFRAM) AND ARTICLES THEREOF, INCLUDING WASTE AND SCRAP	15%
81.02	8102.00	MOLYBDENUM AND ARTICLES THEREOF, INCLUDING WASTE AND SCRAP	15%
81.03	8103.00	TANTALUM AND ARTICLES THEREOF, INCLUDING WASTE AND SCRAP	15%
81.04	8104.00	MAGNESIUM AND ARTICLES THEREOF, INCLUDING WASTE AND SCRAP	15%
81.05	8105.00	COBALT MATTES AND OTHER INTERMEDIATE PRODUCTS OF COBALT METALLURGY ; COBALT AND ARTICLES THEREOF, INCLUDING WASTE AND SCRAP	15%
81.06	8106.00	BISMUTH AND ARTICLES THEREOF, INCLUDING WASTE AND SCRAP	15%
81.07	8107.00	CADMIUM AND ARTICLES THEREOF, INCLUDING WASTE AND SCRAP	15%
81.08	8108.00	TITANIUM AND ARTICLES THEREOF, INCLUDING WASTE AND SCRAP	15%
81.09	8109.00	ZIRCONIUM AND ARTICLES THEREOF, INCLUDING WASTE AND SCRAP	15%
81.10	8110.00	ANTIMONY AND ARTICLES THEREOF, INCLUDING WASTE AND SCRAP	15%
81.11	8111.00	MANGANESE AND ARTICLES THEREOF, INCLUDING WASTE AND SCRAP	15%

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(1)	(2)	(3)	(4)
81.12	8112.00	BERYLLIUM, CHROMIUM, GERMANIUM, VANADIUM GALLIUM, HAFNIUM, INDIUM, NIOBIUM (COLUMBIUM), RHENIUM AND THALLIUM, AND ARTICLES OF THESE METALS, INCLUDING WASTE AND SCRAP	15%
81.13	8113.00	CERMETS AND ARTICLES THEREOF, INCLUDING WASTE AND SCRAP	15%

(16) in Chapter 82, for heading Nos. 82.01 to 82.08, the following headings shall be substituted, namely :—

"82.01	8201.00	HAND TOOLS, THE FOLLOWING : SPADES, SHOVELS MATTOCKS, PICKS, HOES, FORKS AND RAKES; AXES, BILL HOOKS AND SIMILAR HEWING TOOLS ; SECATEURS OF ANY KIND ; SCYTHES, SICKLES, HAY KNIVES, HEDGE SHEARS, TIMBER WEDGES AND OTHER TOOLS OF A KIND USED IN AGRICULTURE, HORTICULTURE OR FORESTRY	20%
82.02	8202 00	HAND SAWS ; BLADES FOR SAWS OF ALL KINDS (INCLUDING SLITTING, SLOTTING OR TOOTHLESS SAW BLADES)	20%
82.03	8203.00	FILES, RASPS, PLIERS (INCLUDING CUTTING PLIERS), PINCERS, TWEEZERS, METAL CUTTING SHEARS, PIPECUTTERS, BOLT CROPPERS, PERFORATING PUNCHES AND SIMILAR HAND TOOLS	20%
82.04	8204.00	HAND-OPERATED SPANNERS AND WRENCHES (INCLUDING TORQUE METER WRENCHES BUT NOT INCLUDING TAP WRENCHES) ; INTERCHANGEABLE SPANNER SOCKETS, WITH OR WITHOUT HANDLES	20%
82.05	8205.00	HAND TOOLS (INCLUDING GLAZIERS' DIAMONDS), NOT ELSEWHERE SPECIFIED OR INCLUDED ; BLOW LAMPS ; VICES, CLAMPS AND THE LIKE, OTHER THAN ACCESSORIES FOR AND PARTS OF, MACHINE TOOLS ; ANVILS ; PORTABLE FORGES ; HAND OR PEDAL OPERATED GRINDING WHEELS WITH FRAMEWORKS	20%
82.06	8206.00	TOOLS OF TWO OR MORE OF THE HEADINGS NOS. 82.02 TO 82.05, PUT UP IN SETS	20%
82.07	8207.00	INTERCHANGEABLE TOOLS FOR HAND TOOLS, WHETHER OR NOT POWER-OPERATED, OR FOR MACHINE-TOOLS (FOR EXAMPLE, FOR PRESSING, STAMPING, PUNCHING, TAPPING, THREADING, DRILLING, BORING, BROACHING, MILLING, TURNING, OR SCREWDRIVING), INCLUDING DIES FOR DRAWING OR EXTRUDING METAL, AND ROCK DRILLING OR EARTH BORING TOOLS	20%
82.08	8208.00	KNIVES AND CUTTING BLADES, FOR MACHINES OR FOR MECHANICAL APPLIANCES	20%
82.09	8209.00	PLATES, STICKS, TIPS AND THE LIKE FOR TOOLS, UNMOUNTED, OF SINTERED METAL CARBIDES OR CERMETS	20%

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(1)	(2)	(3)	(4)
82.10	8210.00	HAND-OPERATED MECHANICAL APPLIANCES, WEIGHING 10 KG. OR LESS, USED IN THE PREPARATION, CONDITIONING OR SERVING OF FOOD OR DRINK	20%
82.11	8211.00	KNIVES WITH CUTTING BLADES, SERRATED OR NOT (INCLUDING PRUNING KNIVES), OTHER THAN KNIVES OF HEADING NO. 82.08, AND BLADES THEREFOR	20%
82.12	8212.00	RAZORS AND RAZOR BLADES (INCLUDING RAZOR BLADE BLANKS IN STRIPS)	20%
82.13	8213.00	SCISSORS, TAILORS' SHEARS AND SIMILAR SHEARS, AND BLADES THEREFOR	20%
82.14	8214.00	OTHER ARTICLES OF CUTLERY (FOR EXAMPLE, HAIR CLIPPERS, BUTCHERS' OR KITCHEN CLEAVERS, CHOPPERS AND MINCING KNIVES, PAPER KNIVES) ; MANICURE OR PEDICURE SETS AND INSTRUMENTS (INCLUDING NAIL FILES)	20%
82.15	8215.00	SPOONS, FORKS, LADLES, SKIMMERS, CAKE-SERVERS, FISH-KNIVES, BUTTER-KNIVES, SUGAR TONGS AND SIMILAR KITCHEN OR TABLEWARE	20%";

(17) in Chapter 83, for heading Nos. 83.01 to 83.15, the following headings shall be substituted, namely :—

"83.01	8301.00	PADLOCKS AND LOCKS (KEY, COMBINATION OR ELECTRICALLY OPERATED) OF BASE METAL ; CLASPS AND FRAMES WITH CLASPS, INCORPORATING LOCKS, OF BASE METAL ; KEYS FOR ANY OF THE FOREGOING ARTICLES, OF BASE METAL	15%
83.02	8302.00	BASE METAL MOUNTINGS, FITTINGS AND SIMILAR ARTICLES SUITABLE FOR FURNITURE, DOORS, STAIRCASES, WINDOWS, BLINDS, COACH-WORK, SADDLERY, TRUNKS, CHESTS, CASKETS OR THE LIKE ; BASE METAL HAT-RACKS, HAT-PEGS, BRACKETS AND SIMILAR FIXTURES ; CASTORS WITH MOUNTINGS OF BASE METAL ; AUTOMATIC DOOR CLOSERS OF BASE METAL	25%
83.03	8303.00	ARMOURED OR REINFORCED SAFES, STRONG-BOXES AND DOORS AND SAFE DEPOSIT LOCKERS FOR STRONG-ROOMS, CASH OR DEED BOXES AND THE LIKE, OF BASE METAL	35%
83.04	8304.00	FILING CABINETS, CARD-INDEX CABINETS, PAPER TRAYS, PAPER RESTS, PEN TRAYS, OFFICE-STAMP STANDS AND SIMILAR OFFICE OR DESK EQUIPMENT, OF BASE METAL, OTHER THAN OFFICE FURNITURE OF HEADING NO. 94.03	25%
83.05	8305.00	FITTINGS FOR LOOSE-LEAF BINDERS OR FILES, LETTER CLIPS, LETTER CORNERS, PAPER CLIPS, INDEXING TAGS AND SIMILAR OFFICE ARTICLES, OF BASE METAL ; STAPLES IN STRIPS (FOR EXAMPLE FOR OFFICES, UPHOLSTERY, PACKAGING), OF BASE METAL	15%

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(1)	(2)	(3)	(4)
83.06	8306.00	BELLS, GONGS AND THE LIKE, NON-ELECTRIC, OF BASE METAL ; STATUETTES AND OTHER ORNAMENTS, OF BASE METAL ; PHOTOGRAPH, PICTURE OR SIMILAR FRAMES, OF BASE METAL ; MIRRORS OF BASE METAL	20%
83.07	8307.00	FLEXIBLE TUBING OF BASE METAL, WITH OR WITHOUT FITTINGS	15%
83.08	8308.00	CLASPS, FRAMES WITH CLASPS, BUCKLES, BUCKLE-CLASPS, HOOKS, EYES, EYELETS AND THE LIKE, OF BASE METAL, OF A KIND USED FOR CLOTHING, FOOTWEAR, AWNINGS, HANDBAGS, TRAVEL GOODS OR OTHER MADE UP ARTICLES ; TUBULAR OR BIFURCATED RIVETS, OF BASE METAL ; BEADS AND SPANGLES, OF BASE METAL	15%
83.09		STOPPERS, CAPS AND LIDS (INCLUDING CROWN CORKS, SCREW CAPS AND POURING STOPPERS), CAPSULES FOR BOTTLES, THREADED BUNGS, BUNG COVERS, SEALS AND OTHER PACKING ACCESSORIES, OF BASE METAL	
	8309.10	—Crown corks with or without washers or other fittings of cork, rubber, polyethylene or any other material	5 paise each
	8309.20	—Pilfer proof caps for packaging, all sorts, with or without washers or other fittings of cork, rubber, polyethylene or any other material	5 paise each
	8309.90	—Other	15%
83.10	8310.00	SIGN-PLATES, NAME-PLATES, ADDRESS-PLATES AND SIMILAR PLATES, NUMBERS, LETTERS AND OTHER SYMBOLS, OF BASE METAL, EXCLUDING THOSE OF HEADING NO. 94.05	15%
83.11	8311.00	WIRE, RODS, TUBES, PLATES, ELECTRODES AND SIMILAR PRODUCTS OF BASE METAL OR OF METAL CARBIDES, COATED OR CORED WITH FLUX MATERIAL, OF A KIND USED FOR SOLDERING, BRAZING, WELDING OR DEPOSITION OF METAL OR OF METAL CARBIDES ; WIRE AND RODS, OF AGGLOMERATED BASE METAL POWDER, USED FOR METAL SPRAYING	20%
83.12	8312.00	ELECTRICAL STAMPINGS AND LAMINATIONS, OF BASE METAL, ALL SORTS	20%" ;

(18) in Chapter 85, for heading Nos. 85.23 and 85.24, the following headings shall be substituted, namely :—

"85.23		PREPARED UNRECORDED MEDIA FOR SOUND RECORDING OF SIMILAR RECORDING OF OTHER PHENOMENA, OTHER THAN PRODUCTS OF CHAPTER 37	
		—Magnetic tapes :	
	8523.11	—Audio tapes in the form of jumbo rolls, pancakes, mini-pancakes, hubs or reels	25% *plus* Rs. 4 per sq. metre
	8523.12	—Audio cassettes	25% *plus* Rs. 2 per cassette
	8523.13	—Video tapes in the form of jumbo rolls, pancakes, mini-pancakes, hubs or reels	25% *plus* Rs. 8 per sq. metre

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(1)	(2)	(3)	(4)
	8523.14	—Video cassettes	25% *plus* Rs. 30 per cassette
	8523.19	—Other	25%
	8523.20	—Magnetic discs	25%
	8523.90	—Other	25%
85.24		RECORDS, TAPES AND OTHER RECORDED MEDIA FOR SOUND OR OTHER SIMILARLY RECORDED PHENOMENA, INCLUDING MATRICES AND MASTERS FOR THE PRODUCTION OF RECORDS, BUT EXCLUDING PRODUCTS OF CHAPTER 37	
	8524.10	—Gramophone records	30%
		—Magnetic tapes :	
	8524.21	—Audio tapes in any form	30% *plus* Rs. 4 per sq. metre.
	8524.22	—Audio cassettes	30% *plus* Rs. 2 per cassette.
	8524.23	—Video tapes in any form	30% *plus* Rs. 8 per sq. metre.
	8524.24	—Video cassettes	30% *plus* Rs. 30 per cassette.
	8524.29	—Other	30%
	8524.30	—Magnetic discs	30%
	8524.90	—Other	30%" ;

(19) In Chapter 89, after heading No. 89.07, the following heading shall be inserted, namely :—

"89.08	8908.00	VESSELS AND OTHER FLOATING STRUCTURES FOR BREAKING UP	Rs. 400 per Light Displacement Tonnage".

THE FOURTH SCHEDULE

(*See* Section 83)

PART I

In the First Schedule to the Additional Duties of Excise Act,—

(1) Sub-heading Nos. 5206.10 and 5206.20 and the entries relating thereto shall be omitted ;

(2) Sub-heading Nos. 5206.31, 5206.32, 5206.33, 5206.34, 5206.35 and 5206.36 shall be, renumbered as sub-heading Nos. 5206.11, 5206.12, 5206.13, 5206.14, 5206.15 and 5206.16, respectively.

PART II

Heading No.	Sub-heading No.	Description of goods	Rate of additional duty
		In the First Schedule to the Additional Duties of Excise Act,—	
		(1) for heading No. 52.07, the following heading shall be substituted, namely :—	
"52.07	5207.00	COTTON FABRICS (EXCLUDING FABRICS COVERED UNDER HEADING NOS. 52.09, 52.10 AND 52.11),—	Fifty per cent of the duty leviable under sub-headings Nos.
		(*a*) WOVEN ON LOOMS OTHER THAN HAND-LOOMS, AND	5206.11 to 5206.16 and 5206.91 to

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(1)	(2)	(3)	(4)
		(*b*) SUBJECTED TO THE PROCESS OF BLEACHING, MERCERISING, DYEING, PRINTING, WATER-PROOFING, SHRINK-PROOFING, ORGANDIE PROCESSING OR ANY OTHER PROCESS OR ANY TWO OR MORE OF THESE PROCESSES, WITHOUT THE AID OF POWER OR STEAM	5206.94 as the case may be, depending upon the average count of the yarn in the fabric and the value per square metre of the fabric"

(2) for heading No. 52.08, the following heading shall be substituted, namely :—

"52.08		COTTON FABRICS (EXCLUDING FABRICS COVERED UNDER HEADING NOS. 52.09, 52.10, 52.11 AND 52.12),— (*a*) WOVEN ON HANDLOOMS, AND (*b*) SUBJECTED TO THE PROCESS OF BLEACHING, MERCERISING, DYEING, PRINTING, WATER PROOFING, SHRINK-PROOFING, ORGANDIE PROCESSING OR ANY OTHER PROCESS OR ANY TWO OR MORE OF THESE PROCESSES	
	5208.10	—Processed without the aid of power or steam	Fifty per cent of the duty leviable under sub-heading Nos. 5206.11 to 5206.16 and 5206.91 to 5206.94, as the case may be, depending upon the average count of the yarn in the fabric and the value per square metre of the fabric
		—Processed with the aid of power or steam :	
	5208.21	Processed by an independent processor approved in this behalf by the Government of India on the recommendation of the Development Commissioner for Handlooms	Forty per cent of the duty leviable under sub-headings Nos. 5206.11 to 5206.16 and 5206.91 to 5206.94, as the case may be, depending upon the average count of the yarn in the fabric and the value per square metre of the fabric
	5208.22	—Processed by a factory owned by a registered handloom co-operative society or any organisation set up or approved by the Government for the purpose of development of handlooms	*Nil*

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(1)	(2)	(3)	(4)
	5208.29	Other	Duty leviable under sub-heading Nos. 5206.11 to 5206.16 and 5206.91 to 5206.94, as the case may be, depending upon the average count of the yarn in the fabric and the value per square metre of the fabric'

THE BENAMI TRANSACTIONS (PROHIBITION OF THE RIGHT TO RECOVER PROPERTY) ORDINANCE, 1988[1]

[No. 2 OF 1988]

(Promulgated by the President in the Thirty-ninth Year of the Republic of India)

CONTENTS

Sections

1. Short title, extent and commencement.
2. Prohibition of the right to recover property held benami.
3. Act not to apply in certain cases.
4. Repeal of provisions of certain Acts.

An Ordinance to prohibit the right to recover property held benami and for matters connected therewith or incidental thereto

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1. Short title, extent and commencement.—(1) This Ordinance may be called the Benami Transactions (Prohibition of the Right to Recover Property) Ordinance, 1988.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force at once.

2. Prohibition of the right to recover property held benami.—(1) No suit, claim or action to enforce any right in respect of any property held benami against the person in whose name the property is held or against any other person shall lie by or on behalf of a person claiming to be the real owner of such property.

1. Promulgated by the President on May 19, 1988 and published in the Gazette of India, Extra., Part II, Section 1, dated 19th May, 1988 [C]

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(2) No defence based on any right in respect of any property held benami, whether against the person in whose name the property is held or against any other person, shall be allowed in any suit, claim or action by or on behalf of a person claiming to be the real owner of such property.

(3) Nothing in this section shall apply,—

(*a*) where the person in whose name the property is held is a co-parcener in a Hindu undivided family and the property is held for the benefit of the co-parceners in the family; or

(*b*) where the person in whose name the property is held is a trustee or other person standing in a fiduciary capacity, and the property is held for the benefit of another person for whom he is a trustee or towards whom he stands in such capacity.

NOTES

The word "benami" is used to denote two classes of transactions which differ from each other in their legal character and incidents. In one sense, it signifies a transaction which is real, as for example when *A* sells properties to *B* but the sale deed mentions *X* as the purchaser. Here the sale itself is genuine, but the real purchaser is *B*, *X* being his *benamidar*. This is the class of transactions which is usually termed as *benami*. But the word '*benami*' is also occasionally used, perhaps not quite accurately, to refer to a sham transaction, as for example, when *A* purports to sell his property to *B* without intending that his title should cease or pass to *B*. The fundamental difference between these two classes of transactions is that whereas in the former there is an operative transfer resulting in the vesting of title in the transferee, in the latter there is none such, the transferor continuing to retain the title notwithstanding the execution of the transfer deed. It is only in the former class of cases that it would be necessary, when a dispute arises as to whether the person named in the deed is the real transferee or *B*, to enquire into the question as to who paid the consideration for the transfer, *X* or *B*. But in the latter class of cases, when the question is whether the transfer is genuine or sham, the point for decision would be, not who paid the consideration but whether any consideration was paid. *Shree Meenakshi Mills Ltd.* v. *C. I. T.*, AIR 1957 SC 49 : 31 ITR 28.

The principle governing the determination of the question whether a transfer is a *benami* transaction or not may be summed up thus: (*i*) the burden of showing that a transfer is a *benami* transaction lies on the person who asserts that it is such a transaction; (*ii*) if it is proved that the purchase money came from a person other than the person in whose favour the property is transferred, the purchase is prima facie assumed to be for the benefit of the person who supplied the purchase money, unless there is evidence to the contrary; (*iii*) the true character of the transaction is governed by the intention of the person who has contributed the purchase money and (*iv*) the question as to what his intention was has to be decided on the basis of the surrounding circumstances, the relationship of the parties, the motives governing their action in bringing about the transaction and their subsequent conduct, etc. *Thakur Bhim Singh* v. *Thakur Kan Singh*, (1980) 3 SCC 72 (Para 18).

3. Act not to apply in certain cases.—Nothing in this Act shall affect the provisions of Section 53 of the Transfer of Property Act, 1882 (4 of 1882), or any law relating to transfers for an illegal purpose.

4. Repeal of provisions of certain Acts.—(1) Section 82 of the Indian Trusts Act, 1882 (2 of 1882), Section 66 of the Code of Civil Procedure, 1908 (5 of 1908) and Section 281-A of the Income-tax Act, 1961 (43 of 1961), are hereby repealed.

(2) For the removal of doubts, it is hereby declared that nothing in sub-section (1) shall affect the continued operation of Section 281-A of the Income-tax Act, 1961 (43 of 1961), in the State of Jammu and Kashmir.

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THE AUTHORISED TRANSLATIONS (CENTRAL LAWS) AMENDMENT ACT, 1988[1]

[ACT NO. 18 OF 1988]

[*March 31, 1988*]

CONTENTS

Sections
1. Short title.
2. Amendment of long title.
3. Amendment of Section 1.
4. Amendment of Section 2.

An Act to amend the Authorised Translations (Central Laws) Act, 1973

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows :—

1. **Short title.**—This Act may be called the Authorised Translations (Central Laws) Amendment Act, 1988.

2. **Amendment of long title.**—In the Authorised Translations (Central Laws) Act, 1973 (50 of 1973) (hereinafter referred to as the principal Act), in the long title, for the words "authorised translations", the words "authoritative texts" shall be *substituted*.

3. **Amendment of Section 1.**—In Section 1 of the principal Act, in sub-section (1), for the words "Authorised Translations", the words "Authoritative Texts" shall be *substituted*.

4. **Amendment of Section 2.**—In Section 2 of the principal Act, for the words "authorised translation", the words "authoritative text" shall be *substituted*.

———

THE REPEALING AND AMENDING ACT, 1988[2]

[ACT NO. 19 OF 1988]

[*31-3-1988*]

CONTENTS

Sections
1. Short title.
2. Repeal of certain enactments.
3. Amendment of certain enactments.
4. Savings.
THE FIRST SCHEDULE
THE SECOND SCHEDULE

An Act to repeal certain enactments and to amend certain other enactments

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows :—

1. **Short title.**—This Act may be called the Repealing and Amending Act, 1988.

2. **Repeal of certain enactments.**—The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

1. Received the assent of the President on March 31, 1988 [C]
2. Received the assent of the President on March 31, 1988 [C]

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3. Amendment of certain enactments.—The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

4. Savings.—The repeal by this Act of any enactment shall not affect any other enactment in which the repealed enactment has been applied, incorporated or referred to ;

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing ;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed or recognised or derived by, in or from any enactment hereby repealed ;

nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

THE FIRST SCHEDULE

(*See* Section 2)

Repeals

Year	No.	Short title	Extent of repeal
1976	1	The Income-tax (Amendment) Act, 1976	The whole
1976	3	The Unit Trust of India (Amendment) Act, 1976	The whole
1976	4	The Delhi Development (Amendment) Act, 1976	The whole
1976	9	The Indian Railways (Amendment) Act, 1976	The whole
1976	12	The Imports and Exports (Control) Amendment Act, 1976.	The whole
1976	15	The Delhi Land Holdings (Ceiling) Amendment Act, 1976	Sections 2 to 13 and 15.
1976	18	The Delhi Rent Control (Amendment) Act, 1976	Sections 2, 5, 6, 7 and 8.
1976	20	The Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Act, 1976.	The whole
1976	21	The Regional Rural Banks Act, 1976	Chapter VII
1976	23	The Payment of Bonus (Amendment) Act, 1976	Sections 2 to 29 and 31.
1976	24	The Press Council (Repeal) Act, 1976	The whole
1976	26	The Motor Vehicles (Amendment) Act, 1976	The whole
1976	28	The Parliamentary Proceedings (Protection of Publication) Repeal Act, 1976.	Section 3

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Year	No.	Short title	Extent of repeal
1976	29	The Payment of Wages (Amendment) Act, 1976	The whole
1976	30	The House of the People (Extension of Duration) Act, 1976.	The whole
1976	32	The Industrial Disputes (Amendment) Act, 1976	The whole
1976	34	The Prevention of Food Adulteration (Amendment) Act, 1976.	The whole
1976	35	The High Court Judges (Conditions of Service) Amendment Act, 1976.	The whole
1976	36	The Supreme Court Judges (Conditions of Service) Amendment Act, 1976.	The whole
1976	37	The Indian Lighthouse (Amendment) Act, 1976	The whole
1976	41	The Tamil Nadu State Legislature (Delegation of Powers) Act, 1976.	The whole
1976	42	The Warehousing Corporations (Amendment) Act, 1976.	The whole
1976	44	The Gujarat State Legislature (Delegation of Powers) Act, 1976.	The whole
1976	45	The Contempt of Courts (Amendment) Act, 1976	The whole
1976	46	The Kerala Legislative Assembly (Extension of Duration) Amendment Act, 1976.	The whole
1976	53	The Maternity Benefit (Amendment) Act, 1976	The whole
1976	54	The Indian Standards Institution (Certification Marks) Amendment Act, 1976.	The whole
1976	58	The Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Amendment Act, 1976.	The whole
1976	65	The Workmen's Compensation (Amendment) Act, 1976.	The whole
1976	67	The Coal Mines (Nationalisation) Amendment Act, 1976.	The whole
1976	68	The Marriage Laws (Amendment) Act, 1976	Sections 2 to 38
1976	69	The Merchant Shipping (Amendment) Act, 1976	The whole
1976	70	The Pharmacy (Amendment) Act, 1976	The whole
1976	71	The Tariff Commission (Repeal) Act, 1976	The whole
1976	73	The Banking and Public Financial Institutions Laws (Amendment) Act, 1976.	Sections 3 to 6
1976	74	The Additional Emoluments (Compulsory Deposit) Amendment Act, 1976.	The whole
1976	75	The Tea (Amendment) Act, 1976	The whole
1976	79	The President's Pension (Amendment) Act, 1976	The whole
1976	81	The Contingency Fund of India (Amendment) Act, 1976.	The whole
1976	82	The Antiquities and Art Treasures (Amendment) Act, 1976.	The whole
1976	86	The Government of Union Territories (Amendment) Act, 1976.	The whole
1976	88	The Representation of the People (Amendment) Act, 1976.	The whole

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Year	No.	Short title	Extent of repeal
1976	90	The Conservation of Foreign Exchange and Prevention of Smuggling Activities (Second Amendment) Act, 1976.	Sections 2 and 4
1976	92	The Essential Commodities (Amendment) Act, 1976	Sections 2 to 8
1976	93	The Dhoties (Additional Excise Duty) Repeal Act, 1976.	The whole
1976	94	The Factories (Amendment) Act, 1976	The whole
1976	99	The Labour Provident Fund Laws (Amendment) Act, 1976.	The whole
1976	102	The Kerala Legislative Assembly (Extension of Duration) Second Amendment Act, 1976.	The whole
1976	103	The Central Sales Tax (Amendment) Act, 1976	Sections 2 to 8
1976	104	The Code of Civil Procedure (Amendment) Act, 1976.	Sections 2 to 96 and sub-section (1) of Section 98.
1976	105	The Salaries and Allowances of Members of Parliament (Amendment) Act, 1976.	The whole
1976	106	The Untouchability (Offences) Amendment and Miscellaneous Provision Act, 1976.	Sections 2 to 18 and 21.
1976	107	The Advocates (Amendment) Act, 1976	Sections 2 to 10
1976	108	The Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976.	Sections 3 and 4 and the First Schedule and the Second Schedule.
1976	109	The House of the People (Extension of Duration) Amendment Act, 1976	The whole
1976	115	The Electricity (Supply) Amendment Act, 1976	The whole
1977	12	The Food Corporations (Amendment) Act, 1977	The whole
1977	13	The Petroleum Pipelines (Acquisition of Right of User in Land) Amendment Act, 1977.	The whole
1977	14	The Prevention of Publication of Objectionable Matter (Repeal) Act, 1977.	The whole
1977	19	The Payment of Wages (Amendment) Act, 1977.	The whole
1977	20	The Presidential and Vice-Presidential Election (Amendment) Act, 1977.	The whole
1977	21	The Yoga Undertakings (Taking Over of Management) Act, 1977.	The whole
1977	23	The Oil and Natural Gas Commission (Amendment) Act, 1977.	The whole
1977	24	The Insecticides (Amendment) Act, 1977	The whole
1977	26	The Cardamom (Amendment) Act, 1977	The whole
1977	30	The National Highways (Amendment) Act, 1977	The whole
1977	31	The Petroleum (Amendment) Act, 1977	The whole
1977	32	The Tea (Amendment) Act, 1977	The whole
1977	33	The Salary and Allowances of Leaders of Opposition in Parliament Act, 1977.	Sections 11 and 12
1977	35	The Inland Steam-vessels (Amendment) Act, 1977	The whole
1977	37	The Salaries and Allowances of Ministers (Amendment) Act, 1977.	Section 2

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Year	No.	Short title	Extent of repeal
1977	38	The Advocates (Amendment) Act, 1977	The whole
1977	39	The Indian Iron and Steel Company (Acquisition of Shares) Amendment Act, 1977.	The whole
1977	40	The Enemy Property (Amendment) Act, 1977	The whole
1977	43	The Payment of Bonus (Amendment) Act, 1977	Sections 3 to 21
1977	44	The Requisitioning and Acquisition of Immovable Property (Amendment) Act, 1977.	The whole
1977	46	The Companies (Amendment) Act, 1977	The whole
1977	47	The Betwa River Board (Amendment) Act, 1977	The whole
1977	48	The Supreme Court (Number of Judges) Amendment Act, 1977.	The whole
1978	1	The Merchant Shipping (Amendment) Act, 1978	The whole
1978	2	The Child Marriage Restraint (Amendment) Act, 1978	The whole
1978	12	The Public Wakfs (Extension of Limitation) (Delhi Amendment) Act, 1978.	The whole
1978	15	The Children (Amendment) Act, 1978	The whole
1978	17	The Port Laws (Amendment) Act, 1978	The whole
1978	22	The Coal Mines Nationalisation Laws (Amendment) Act, 1978.	Sections 2 to 19
1978	23	The Electricity (Supply) Amendment Act, 1978	The whole
1978	24	The Reserve Bank of India (Amendment) Act, 1978	The whole
1978	25	The Customs, Central Excises and Salt and Central Boards of Revenue (Amendment) Act, 1978.	The whole
1978	26	The Customs Tariff (Amendment) Act, 1978	The whole
1978	27	The Maintenance of Internal Security (Repeal) Act, 1978.	The whole
1978	28	The Insolvency Laws (Amendment) Act, 1978	The whole
1978	29	The Taxation Laws (Amendment) Act, 1978	The whole
1978	31	The Passports (Amendment) Act, 1978	The whole
1978	32	The Indian Explosives (Amendment) Act, 1978	The whole
1978	36	The Tobacco Board (Amendment) Act, 1978	The whole
1978	37	The Press Council Act, 1978	Section 27
1978	38	The Repealing and Amending Act, 1978	The whole
1978	39	The Employment of Children (Amendment) Act, 1978.	The whole
1978	45	The Code of Criminal Procedure (Amendment) Act, 1978.	The whole
1978	46	The Suppression of Immoral Traffic in Women and Girls (Amendment) Act, 1978.	The whole
1978	47	The Motor Vehicles (Amendment) Act, 1978	The whole
1978	48	The Payment of Bonus (Amendment) Act, 1978	The whole
1979	4	The Copra Cess Act, 1979	Section 20
1979	6	The Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions (Amendment) Act, 1979.	The whole

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Year	No.	Short title	Extent of repeal
1979	12	The Punjab Excise (Delhi Amendment) Act, 1979	Sections 2 to 5 and 7
1979	17	The Industries (Development and Regulation) Amendment Act, 1979.	The whole
1979	18	The Sugar Undertakings (Taking Over of Management) Amendment Act, 1979.	Sections 2 and 4
1979	20	The Merchant Shipping (Amendment) Act, 1979	The whole
1979	23	The Additional Duties of Excise (Goods of Special Importance) Amendment Act, 1979.	The whole
1979	26	The Estate Duty (Distribution) Amendment Act, 1979.	The whole
1979	27	The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 1979.	The whole
1980	1	The Government of Union Territories (Amendment) Act, 1980.	The whole
1980	4	The Contingency Fund of India (Amendment) Act, 1980.	The whole
1980	5	The Payment of Bonus (Amendment) Act, 1980	The whole
1980	6	The Central Excise and Salt and Additional Duties of Excise (Amendment) Act, 1980.	Sections 2 to 4 and 6
1980	8	The Representation of the People (Amendment) Act, 1980.	The whole
1980	35	The Requisitioning and Acquisition of Immovable Property (Amendment) Act, 1980.	The whole
1980	37	The Delhi High Court (Amendment) Act, 1980	Sections 2 and 3
1980	38	The Assam State Legislature (Delegation of Powers) Act, 1980.	The whole
1980	40	The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980.	Section 20
1980	45	The Inter-State Water Disputes (Amendment) Act, 1980.	The whole
1980	47	The Advocates (Amendment) Act, 1980	The whole
1980	49	The Dock Workers (Regulation of Employment) Amendment Act, 1980.	Sections 2, 4 and 5
1980	50	The Hindustan Tractors Limited (Acquisition and Transfer of Undertakings) Amendment Act, 1980.	The whole
1980	51	The Mica Mines Labour Welfare Fund (Amendment) Act, 1980.	The whole
1980	53	The Territorial Army (Amendment) Act, 1980	The whole
1980	54	The Hotel-Receipts Tax Act, 1980	Section 37
1980	55	The Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Amendment Act, 1980.	The whole
1980	57	The High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1980.	The whole
1980	60	The Monopolies and Restrictive Trade Practices (Amendment) Act, 1980.	The whole
1980	61	The Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 1980.	The whole
1980	63	The Code of Criminal Procedure (Amendment) Act, 1980.	Sections 2 to 9 and 11.

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Year	No.	Short title	Extent of repeal
1980	66	The Payment of Bonus (Second Amendment) Act, 1980.	The whole
1981	1	The Life Insurance Corporation (Amendment) Act, 1981.	The whole
1981	6	The Delhi Sikh Gurdwaras (Amendment) Act, 1981	The whole
1981	7	The Special Bearer Bonds (Immunities and Exemptions) Act, 1981.	Sections 5, 6 and 9
1981	17	The Oil and Natural Gas Commission (Amendment) Act, 1981.	The whole
1981	19	The Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities (Amendment) Act, 1981.	Section 2
1981	21	The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 1981.	The whole
1981	22	The Income-tax (Amendment) Act, 1981	The whole
1981	23	The Compulsory Deposit Scheme (Income-tax Payers) Amendment Act, 1981.	The whole
1981	24	The Customs Tariff (Amendment) Act, 1981	The whole
1981	25	The Coal Mines Labour Welfare Fund (Amendment) Act, 1981.	Section 2
1981	26	The High Court at Bombay (Extension of Jurisdiction to Goa, Daman and Diu) Act, 1981.	Section 12
1981	27	The Delhi University (Amendment) Act, 1981	The whole
1981	28	The Export-Import Bank of India Act, 1981	Section 40 and the Second Schedule.
1981	32	The Victoria Memorial (Amendment) Act, 1981	The whole
1981	35	The State of Nagaland (Amendment) Act, 1981	The whole
1981	36	The Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions (Amendment) Act, 1981.	The whole
1981	38	The Income-tax (Second Amendment) Act, 1981	The whole
1981	39	The Assam State Legislature (Delegation of Powers) Act, 1981.	The whole
1981	43	The Merchant Shipping (Amendment) Act, 1981	The whole
1981	44	The Sugar Undertakings (Taking Over of Management) Amendment Act, 1981	The whole
1981	45	The Oil Industry (Development) Amendment Act, 1981.	The whole
1981	46	The Economic Offences (Inapplicability of Limitation) Amendment Act, 1981.	The whole
1981	47	The Beedi Workers Welfare Cess (Amendment) Act, 1981.	The whole
1981	49	The Cinematograph (Amendment) Act, 1981	The whole
1981	51	The Khuda Bakhsh Oriental Public Library (Amendment) Act, 1981.	The whole
1981	52	The Rampur Raza Library (Amendment) Act, 1981	The whole
1981	58	The Plantations Labour (Amendment) Act, 1981	The whole
1981	59	The Indian Iron and Steel Company (Acquisition of Shares) Amendment Act, 1981.	The whole

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Year	No.	Short title	Extent of repeal
1981	61	The National Bank for Agriculture and Rural Development Act, 1981.	Section 61 and the Second Schedule.
1981	62	The Aligarh Muslim University (Amendment) Act, 1981.	Sections 2 to 21
1982	2	The Industrial Finance Corporation (Amendment) Act, 1982.	The whole
1982	13	The Central Silk Board (Amendment) Act, 1982	The whole
1982	15	The Customs Tariff (Amendment) Act, 1982	Section 2
1982	16	The Indian Railways (Amendment) Act, 1982	The whole
1982	17	The Major Port Trusts (Amendment) Act, 1982	The whole
1982	18	The Industrial Employment (Standing Orders) Amendment Act, 1982.	The whole
1982	20	The Pensions' (Amendment) Act, 1982	The whole
1982	21	The Architects (Amendment) Act, 1982	The whole
1982	22	The Pharmacy (Amendment) Act, 1982	The whole
1982	23	The Wild Life (Protection) Amendment Act, 1982	The whole
1982	24	The Air Corporations (Amendment) Act, 1982	The whole
1982	25	The Assam State Legislature (Delegation of Powers) Act, 1982.	The whole
1982	26	The Prevention of Cruelty to Animals (Amendment) Act, 1982.	Sections 2 to 17
1982	27	The Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities (Amendment) Act, 1982	The whole
1982	30	The Monopolies and Restrictive Trade Practices (Amendment) Act, 1982.	The whole
1982	34	The Special Courts (Repeal) Act, 1982	The whole
1982	35	The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 1982.	The whole
1982	39	The Public Wakfs (Extension of Limitation) (Delhi Amendment) Act, 1982.	The whole
1982	41	The Metro Railways (Construction of Works) Amendment Act, 1982.	Sections 2 to 16
1982	42	The East Punjab Urban Rent Restriction (Chandigarh Amendment) Act, 1982.	Sections 2 and 3
1982	44	The Iron Ore Mines and Manganese Ore Mines Labour Welfare Cess (Amendment) Act, 1982	The whole
1982	45	The Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund (Amendment) Act, 1982.	The whole
1982	47	The Motor Vehicles (Amendment) Act, 1982	The whole
1982	48	The Navy (Amendment) Act, 1982	The whole
1982	51	The Contingency Fund of India (Amendment) Act, 1982	The whole
1982	52	The Customs Tariff (Second Amendment) Act, 1982	The whole
1982	53	The Food Corporations (Amendment) Act, 1982	The whole
1982	55	The Powers of Attorney (Amendment) Act, 1982	The whole
1982	56	The Charitable Endowments (Amendment) Act, 1982.	The whole

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Year	No.	Short title	Extent of repeal
1982	57	The Sugar Cess (Amendment) Act, 1982	The whole
1982	61	The Salary, Allowances and Pension of Members of Parliament (Second Amendment) Act, 1982.	The whole
1982	63	The Road Transport Corporations (Amendment) Act, 1982.	Sections 2 to 14, 16 and the Schedule.
1982	64	The Sugar Development Fund (Amendment) Act, 1982.	The whole
1982	67	The International Monetary Fund and Bank (Amendment) Act, 1982.	The whole
1982	68	The Drugs and Cosmetics (Amendment) Act, 1982	Sections 2 to 41
1982	69	The Sales Promotion Employees (Conditions of Service) Amendment Act, 1982.	Section 2
1982	70	The Limestone and Dolomite Mines Labour Welfare Fund (Amendment) Act, 1982.	Sections 2 to 7
1982	72	The Industrial Development Bank of India (Amendment) Act, 1982.	The whole
1983	1	The Aircraft (Amendment) Act, 1983	The whole
1983	8	The Delhi Municipal Corporation (Amendment) Act, 1983.	The whole
1983	9	The Delhi Administration (Amendment) Act, 1983	The whole
1983	12	The Merchant Shipping (Amendment) Act, 1983	The whole
1983	14	The Central Industrial Security Force (Amendment) Act, 1983.	Sections 2 to 13 and the Schedule.
1983	15	The Cantonments (Amendment) Act, 1983	The whole
1983	16	The Electricity (Supply) Amendment Act, 1983	The whole
1983	18	The Administrators-General (Amendment) Act, 1983	The whole
1983	22	The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 1983.	The whole
1983	23	The Copyright (Amendment) Act, 1983	The whole
1983	24	The Hindu Widows' Re-marriage (Repeal) Act, 1983.	The whole
1983	25	The Arms (Amendment) Act, 1983	The whole
1983	26	The Societies Registration (Delhi Amendment) Act, 1983.	The whole
1983	30	The Vegetable Oils Cess Act, 1983	Section 7
1983	38	The Tea (Amendment) Act, 1983	The whole
1983	42	The Mines (Amendment) Act, 1983	Sections 2 to 48
1983	43	The Criminal Law (Amendment) Act, 1983	The whole
1983	44	The Indian Railways (Amendment) Act, 1983	Sections 2 to 4
1983	45	The Punjab Panchayat Samities and Zila Parishads (Temporary Supersession) Second Amendment Act, 1983.	The whole
1983	46	The Criminal Law (Second Amendment) Act, 1983	The whole
1983	48	The Public Financial Institutions (Obligation as to Fidelity and Secrecy) Act, 1983.	Sections 5 and 6
1984	2	The Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Amendment Act, 1984.	The whole

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Year	No.	Short title	Extent of repeal
1984	4	The Industries (Development and Regulation) Amendment Act, 1984.	Sections 2 to 5 and 7
1984	19	The Government of Union Territories (Amendment) Act, 1984.	Sections 2 and 3
1984	20	The Oilfields (Regulation and Development) Amendment Act, 1984.	The whole
1984	22	The Workmen's Compensation (Amendment) Act, 1984.	The whole
1984	23	The Punjab Commercial Crops Cess (Amendment) Act, 1984.	The whole
1984	24	The National Security (Amendment) Act, 1984	The whole
1984	25	The Payment of Gratuity (Amendment) Act, 1984	The whole
1984	26	The Payment of Gratuity (Second Amendment) Act, 1984.	Sections 2 to 5
1984	27	The Union Duties of Excise (Distribution) Amendment Act, 1984.	The whole
1984	28	The Union Duties of Excise (Electricity Distribution) Amendment Act, 1984	The whole
1984	29	The Additional Duties of Excise (Goods of Special Importance) Amendment Act, 1984.	The whole
1984	30	The Monopolies and Restrictive Trade Practices (Amendment) Act, 1984.	The whole
1984	31	The Visva-Bharati (Amendment) Act, 1984	Sections 2 to 27
1984	32	The Estate Duty (Distribution) Amendment Act, 1984.	The whole
1984	35	The Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 1984.	The whole
1984	36	The Punjab State Legislature (Delegation of Powers) Act, 1984.	The whole
1984	37	The Delhi Rent Control (Amendment) Act, 1984	The whole
1984	40	The Export (Quality Control and Inspection) Amendment Act, 1984.	The whole
1984	45	The Employees' State Insurance (Amendment) Act, 1984.	Sections 2 to 14
1984	48	The Electricity (Supply) Amendment Act, 1984	The whole
1984	49	The Industrial Disputes (Amendment) Act, 1984	The whole
1984	54	The Levy Sugar Price Equalisation Fund (Amendment) Act, 1984.	Sections 2 to 7
1984	56	The Cinematograph (Amendment) Act, 1984	The whole
1984	58	The Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Act, 1984.	The whole
1984	59	The University Grants Commission (Amendment) Act, 1984.	Sections 2 to 8
1984	60	The National Security (Second Amendment) Act, 1984.	The whole
1984	64	The Banking Laws (Amendment) Act, 1984	The whole
1984	65	The Copyright (Amendment) Act, 1984	The whole
1984	68	The Land Acquisition (Amendment) Act, 1984	Sections 2 to 29

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THE SECOND SCHEDULE

(*See* Section 3)

Amendments

Year	No.	Short tittle	Amendments
1908	5	The Code of Civil Procedure, 1908.	In the First Schedule, in Order XXXIII in Rule 15-A, the words, brackets and figure "sub-rule (2) of" shall be *omitted*.
1948	54	The Electricity (Supply) Act, 1948.	In Section 79-A, for the word, figures and letter "Section 78-A" the word and figures "Section 78" shall be *substituted*.
1957	66	The Delhi Municipal Corporation Act, 1957	In Section 99, in sub-section (2), in clause (*d*), the words, brackets and letter "or clause (*b*)" shall be *omitted*.
1961	47	The Deposit Insurance and Credit Guarantee Corporation Act, 1961	In Section 2, in clause (*i*), for the words "corresponding, new bank or a banking company" the words "a banking company" shall be *substituted*.
1968	47	The Border Security Force Act, 1968.	In Section 141, in sub-section (2), in clause (*i*), for the words "forms or orders", the words "forms of orders" shall be *substituted*.
1978	30	The Coast Guard Act, 1978	In Section 75, in sub-section (2), for the words "Every officer" the words "Every person" shall be *substituted*.
1985	60	The Railway Protection Force (Amendment) Act, 1985	In Section 3, for the brackets and figure "(*v*)", the brackets and letter "(*b*)" shall be *substituted*.
1986	7	The Additional Duties of Excise (Goods of Special Importance) Amendment Act, 1986	In Section I, in sub-section (I), for the word "Amendment", the words "Second Amendment" shall be *substituted*.
1986	11	The Spices Cess Act, 1986	In Section 3, in sub-section (I), for the words "on spices", the words "on all spices which are exported", shall be *substituted*.

THE ARMS (AMENDMENT) ORDINANCE, 1988[1]

[No. 5 OF 1988]

(*Promulgated by the President in the Thirty-ninth Year of the Republic of India*)

CONTENTS

Sections

1. Short title and commencement.
2. Amendment of Section 2.
3. Amendment of Section 5.
4. Amendment of Section 7.
5. Amendment of Section 25.
6. Substitution of new section for Section 27.

An Ordinance further to amend the Arms Act, 1959

1. Promulgated by the President on May 27, 1988 and published in the Gazette of India, Extra., Part II, Section 1, dated 27th May, 1987, pp. 1-3 [C]

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Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action ;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1. Short title and commencement.—(1) This Ordinance may be called the Arms (Amendment) Ordinance, 1988.

(2) It shall come into force at once.

2. Amendment of Section 2.—In Section 2 of the Arms Act, 1959 (54 of 1959), (hereinafter referred to as the principal Act), in sub-section (1),—

(*i*) in clause (*b*), in sub-clause (*i*), for the words "and other like missiles", the words "and other missiles" shall be *substituted* ;

(*ii*) in clause (*h*), after the words "shells,", the word "missiles," shall be *inserted*.

3. Amendment of Section 5.—In sub-section (1) of Section 5 of the principal Act, in clause (*a*), for the word "manufacture", the words "use, manufacture" shall be *substituted*.

4. Amendment of Section 7.—In Section 7 of the principal Act, in clause (*b*), for the word "manufacture", the words "use, manufacture" shall be *substituted*.

5. Amendment of Section 25.—In Section 25 of the principal Act,—

(*a*) in sub-section (1), clause (*c*) shall be *omitted* ;

(*b*) sub-section (1-A) shall be re-numbered as sub-section (1-AAA) thereof, and before sub-section (1-AAA) as so re-numbered, the following sub-sections shall be *inserted*, namely :—

"(1-A) Whoever acquires, has in his possession or carries any prohibited arms or prohibited ammunition in contravention of Section 7 shall be punishable with imprisonment for a term which shall not be less than five years, but which may extend to ten years and shall also be liable to fine.

(1-AA) Whoever manufactures, sells, transfers, converts, repairs, tests or proves, or exposes or offers for sale or transfer or has in his possession for sale, transfer, conversion, repair, test or proof, any prohibited arms or prohibited ammunition in contravention of Section 7 shall be punishable with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life and shall also be liable to fine.".

NOTES

The first pre-condition for an offence under Section 25(1)(*a*) is the element of intention, consciousness or knowledge with which a person possessed the firearm before it can be said to constitute an offence and secondly that possession need not be physical possession but can be constructive, having power and control over the gun, while the person to whom physical possession is given holds it subject to that power and control. *Gunwantlal v. State of M.P.*, (1972) 2 SCC 194, 198 : 1972 SCC (Cri) 678.

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6. Substitution of new section for Section 27.—For Section 27 of the principal Act, the following section shall be *substituted*, namely :—

"*27. Punishment for using arms, etc.*—(1) Whoever uses any arms or ammunition in contravention of Section 5 shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and shall also be liable to fine.

(2) Whoever uses any prohibited arms or prohibited ammunition in contravention of Section 7 shall be punishable with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life and shall also be liable to fine.

(3) Whoever uses any prohibited arms or prohibited ammunition or does any act in contravention of Section 7 and such use or act results in the death of any other person, shall be punishable with death.".

THE CONSTITUTION (FIFTY-NINTH AMENDMENT) ACT, 1988[1]

[*30th March, 1988*]

CONTENTS

Sections

1. Short title.
2. Amendment of Article 356.

Section

3. Insertion of new Article 359-A.

An Act further to amend the Constitution of India

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows :—

Prefatory Note—Statement of Objects and Reasons.—Under clause (5) of Article 356 of the Constitution, a resolution approving the continuance in force of a Presidential Proclamation issued under clause (1) of that article beyond a period of one year cannot be passed by either House of Parliament unless the two conditions specified in that clause are met. The one-year period in the case of the Proclamation made with respect to the State of Punjab is due to expire on the 10th May, 1988. In view of the continued disturbed situation in Punjab, escalation in the activities of terrorists and anti-national forces resulting in the death of innocent men, women and children and of the fact that the Punjab State Legislative Assembly had to be dissolved because of the virtual impossibility of forming a popular Government in the prevailing circumstances, the continuance in force of the said Proclamation beyond the period of one year may be necessary in Punjab. Article 356(5) of the Constitution is therefore, proposed to be amended so as to facilitate the extension of the said Proclamation, if necessary up to a period of three years as permissible under clause (4) of that article.

The continuance of the Proclamation after the 10th May, 1988 may not, it is felt, be effective as terrorist activities had been on the increase. It may be necessary to invoke the provisions of Article 352 of the Constitution to declare a partial Emergency either in the whole of the State of Punjab or in particular districts of that State. If such a situation arises, the expression "armed rebellion" included in that article as one of the grounds for declaration of Emergency (which alone could be resorted to in the case of an Internal Emergency) may not be appropriate in the prevailing situation in Punjab to declare a Proclamation in that State. It is, therefore, felt that Article 352 may be suitably amended in its application to the State of Punjab to include "internal disturbance" as one of the grounds that the integrity of India is threatened by internal disturbance in any part of the territory of India so as to facilitate the taking of action under that article if it becomes necessary at a future date. The expression "internal disturbance" was one of the grounds included in that article from the commencement of the Constitution till it was amended by

1. Received the assent of the President on March 30, 1988 and published in the Gazette of India, Extra., Part II, Section 1, dated 30th March, 1988 pp. 1-2 [C]

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the Constitution (Forty-fourth Amendment) Act, 1978. Consequentially, Articles 358 and 359 are also proposed to be amended so as to provide for the automatic suspension of Article 19 of the Constitution and the issuing of an order by the President suspending the operation of any of the other provisions contained in Part III (except Article 20) under Article 359, if and when a Proclamation of Emergency on the ground of internal disturbance is issued in relation to the whole or any part of the State of Punjab.

As the proposed amendments are only for the purpose of curbing the terrorist activities in the State of Punjab more effectively, the powers that are proposed to be conferred by these amendments would not be resorted to for any period beyond what is absolutely necessary for achieving the aforesaid object. Accordingly, the amendments proposed in Articles 352, 358 and 359 have been made to be operative only for a period of two years from the commencement of this Amendment.

The Bill seeks to achieve the aforesaid objects.

1. Short title.—This Act may be called the Constitution (Fifty-ninth Amendment) Act, 1988.

2. Amendment of Article 356.—In Article 356 of the Constitution, in clause (5), for the proviso, the following proviso shall be *substituted*, namely :—

"Provided that nothing in this clause shall apply to the Proclamation issued under clause (1) on the 11th day of May, 1987 with respect to the State of Punjab.".

3. Insertion of new Article 359-A.—(1) After Article 359 of the Constitution, the following article shall be *inserted*, namely : —

"*359-A. Application of this Part to the State of Punjab.*—Notwithstanding anything in this Constitution, this Part shall, in relation to the State of Punjab, be subject to the following modifications, namely :—

(*a*) in Article 352,—

(*i*) in clause (1),—

(*A*) for the opening portion, the following shall be *substituted*, namely :—

"If the President is satisfied that a grave emergency exists whereby—

(*a*) the security of India or of any part of the territory thereof is threatened, whether by war or external aggression or armed rebellion ; or

(*b*) the integrity of India is threatened by internal disturbance in the whole or any part of the territory of Punjab,

he may, by Proclamation, make a declaration to that effect in respect of the whole of Punjab or of such part of the territory thereof as may be specified in the Proclamation.". ;

(*B*) in the *Explanation*,—

(1) after the words "armed rebellion", the words ", or that the integrity of India is threatened by internal disturbance in the whole or any part of the territory of Punjab," shall be *inserted* ;

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(2) after the words "or rebellion", the words "or disturbance" shall be *inserted*;

(*ii*) in clause (9), after the words "armed rebellion", at both the places where they occur, the words "or internal disturbance" shall be *inserted*;

(*b*) in Article 358, in clause (1), after the words "or by external aggression", the words "or by armed rebellion, or that the integrity of India is threatened by internal disturbance in the whole or any part of the territory of Punjab," shall be *inserted*;

(*c*) in Article 359, for the words and figures "Articles 20 and 21", at both the places where they occur, the word and figures "Article 20" shall be *substituted.*".

(2) The amendment made to the Constitution by sub-section (1) shall cease to operate on the expiry of a period of two years from the commencement of this Act, except as respects things done or omitted to be done before such cesser.

NOTES

Proclamation of emergency in a State—Governor acts as an agent of the President. *A.K Gopalan* v. *Govt. of India*, (1966) 2 SCR 427 : AIR 1966 SC 816, 819.

Proclamation not expiring in the manners specified in the Article—Proclamation remains valid irrespective of any other circumstances, such as, the lapse of abnormal time, President not referring to aggression in his address to Parliament or cessation of aggression, etc., etc. *P.L. Lakhanpal* v. *Union of India*, 1966 Supp SCR 209, 212 : AIR 1967 SC 243, 245 : 1967 Cri LJ 282.

THE COMPANIES (AMENDMENT) ACT, 1988[1]

[No. 31 OF 1988]

[*24th May, 1988*]

CONTENTS

Sections		*Sections*	
1.	Short title and commencement.	19.	Amendment of Section 130.
2.	Amendment of Section 2.	20.	Amendment of Section 149.
3.	Substitution of new section for Section 5.	21.	Omission of Sections 155 and 156.
4.	Amendment of Section 10-E.	22.	Amendment of Section 159.
5.	Insertion of new Section 10-F.	23.	Amendment of Section 161.
6.	Amendment of Section 33.	24.	Amendment of Section 179.
7.	Amendment of Section 43-A.	25.	Amendment of Section 198.
8.	Amendment of Section 56.	26.	Amendment of Section 205.
9.	Amendment of Section 58-A.	27.	Amendment of Section 205-A.
10.	Amendment of Section 73.	28.	Insertion of new Section 206-A.
11.	Amendment of Section 74.	29.	Amendment of Section 209.
12.	Substitution of new heading for heading above Section 80.	30.	Amendment of Section 217.
		31.	Amendment of Section 219.
13.	Amendment of Section 80.	32.	Amendment of Section 220.
14.	Insertion of new Section 80-A.	33.	Amendment of Section 224.
15.	Amendment of Section 108.	34.	Amendment of Section 224-A.
16.	Substitution of new section for Section 111.	35.	Amendment of Section 233-B.
		36.	Substitution of new section for Section 235.
17.	Amendment of Section 113.	37.	Amendment of Section 236.
18.	Amendment of Section 125.	38.	Amendment of Section 237.

1. Received the assent of the President on May 24, 1988 and published in the Gazette of India, Extra., Part II, Section 1, dated 27th May, 1988

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Sections

39. Amendment of Section 241.
40. Amendment of Section 245.
41. Amendment of Section 247.
42. Amendment of Section 248.
43. Amendment of Section 250.
44. Amendment of Section 251.
45. Amendment of Section 257.
46. Substitution of new section for Section 269.
47. Amendment of Section 310.
48. Amendment of Section 311.
49. Amendment of Section 314.
50. Amendment of Section 350.
51. Amendment of Section 370.
52. Amendment of Section 372
53. Amendment of Section 383-A.

Sections

54. Amendment of Section 408.
55. Amendment of Section 462.
56. Amendment of Section 551.
57. Amendment of Section 610.
58. Amendment of Section 619-A.
59. Insertion of new Section 621-A.
60. Amendment of Section 634-A.
61. Amendment of Section 635.
62. Amendment of Section 637
63. Amendment of Section 637-A.
64. Amendment of Section 640-A.
65. Amendment of Section 640-B.
66. Insertion of new Schedules XIII and XIV.
67. Consequential amendments.
68. Transitional provisions.

An Act further to amend the Companies Act, 1956

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows :—

Prefatory Note—Statement of Objects and Reasons.—Government has, in the light of the recommendations made by the Expert Committee (Sachar Committee) and in the light of the experience gained in the administration of the Companies Act, 1956, over the last few years, felt it necessary to bring certain amendments to that Act.

2. The salient features of the amendments are :—

(*a*) the setting up of an independent Company Law Board to exercise such judicial and quasi-judicial functions as are presently being exercised either by the Court or the Central Government and are proposed to be transferred to that Board;

(*b*) compounding of offences punishable with fine;

(*c*) dispensing with Government approval for managerial appointments and remuneration subject to the fulfiment of certain statutory guidelines which are proposed to be incorporated in the Act itself;

(*d*) de-linking of the rates of depreciation from the rates specified under the Income-tax Act and laying down the rates of depreciation in the Act itself to reflect the true and fair view of the state of affairs of the company;

(*e*) protecting the interests of the investors by providing for intervention by the Company Law Board against non-repayment of public deposits, compulsory redemption of preference shares in certain cases; requiring companies to disclose reasons for refusal to register transfer of shares; and protecting the rights of the transferee pending mutation of this name in the register of members; and also compulsory listing of all public issues.

(*f*) reducing unnecessary cost or burden by requiring companies to attach only an abridged form of prospectus to the application form and only an abridged version of balance sheets and auditiors' report to members and also by requiring companies to hold a poll in general meeting only at the instance of the shareholders having some minimum stake in the company; and further requiring companies to file full annual return only once in six years;

(*g*) provision for disclosure of information relating to conservation of energy, technology absorption, foreign exchange earnings and outgo as well as particulars of employees having some minimum stake in the company and drawing remuneration in excess of that drawn by managerial personnel.

3. The proposals also include provisions to plug loopholes and remove some lacunae which have come to surface in the working of the Act. It is also proposed to streamline some of the existing provisions for better working and administration of the Act. Certain consequential and incidental changes are also sought to be made. The Bill seeks to achieve the above objectives.

4. The notes on clauses explain in detail the provisions of the Bill.

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1. Short title and commencement.—(1) This Act may be called the Companies (Amendment) Act, 1988.

(2) Section 66 of this Act in so far as it relates to the insertion of new Schedule XIV to the principal Act shall be deemed to have come into force on the 2nd day of April, 1987, and the remaining provisions of this Act shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act.

2. Amendment of Section 2.—In Section 2 of the Companies Act, 1956 (1 of 1956), (hereinafter referred to as the principal Act), for clause (45), the following clauses shall be *substituted*, namely :—

'(45) "secretary" means a Company Secretary within the meaning of clause (*c*) of sub-section (1) of Section 2 of the Company Secretaries Act, 1980 (56 of 1980), and includes any other individual possessing the prescribed qualifications and appointed to perform the duties which may be performed by a secretary under this Act and any other ministerial or administrative duties ;

(45-A) "secretary in whole-time practice" means a secretary who shall be deemed to be in practice within the meaning of sub-section (2) of Section 2 of the Company Secretaries Act, 1980 (56 of 1980), and who is not in full-time employment ;'.

3. Substitution of new section for Section 5.—For Section 5 of the principal Act, the following section shall be *substituted*, namely :—

'*5. Meaning of "officer who is in default".*—For the purpose of any provision in this Act which enacts that an officer of the company who is in default shall be liable to any punishment or penalty, whether by way of imprisonment, fine or otherwise, the expression "officer who is in default" means all the following officers of the company, namely :—

(*a*) the managing director or managing directors ;

(*b*) the whole-time director or whole-time directors ;

(*c*) the manager ;

(*d*) the secretary ;

(*e*) any person in accordance with whose directions or instructions the Board of directors of the company is accustomed to act ;

(*f*) any person charged by the Board with the responsibility of complying with that provision :

Provided that the person so charged has given his consent in this behalf to the Board ;

(*g*) where any company does not have any of the officers specified in clauses (*a*) to (*c*), any director of directors who may be specified by the Board in this behalf or where no director is so specified, all the directors :

Provided that where the Board exercises any power under clause (*f*) or clause (*g*), it shall, within thirty days of the exercise of such powers, file with the Registrar a return in the prescribed form.'.

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4. Amendment of Section 10-E.—In Section 10-E of the principal Act,—

(*a*) for sub-section (1), the following sub-sections shall be *substituted*, namely :—

"(1) As soon as may be after the commencement of the Companies (Amendment) Act, 1988, the Central Government shall, by notification in the Official Gazette, constitute a Board to be called the Board of Company Law Administration.

(1-A) The Company Law Board shall exercise and discharge such powers and functions as may be conferred on it, by or under this Act or any other law, and shall also exercise and discharge such other powers and functions of the Central Government under this Act or any other law as may be conferred on it by the Central Government, by notification in the Official Gazette under the provisions of this Act or that other law." ;

(*b*) to sub-section (2), the following proviso shall be *added*, namely :—

"Provided that the Central Government may, by notification in the Official Gazette, continue the appointment of the Chairman or any other member of the Company Law Board functioning as such immediately before the commencement of the Companies (Amendment) Act, 1988 as the Chairman or any other member of the Company Law Board, after such commencement for such period not exceeding three years as may be specified in the notification." ;

(*c*) after sub-section (2), the following sub-section shall be *inserted*, namely :—

"(2-A) The members of the Company Law Board shall possess such qualifications and experience as may be prescribed." ;

(*d*) sub-section (4-A) shall be *omitted* ;

(*e*) in sub-section (4-B), for the words, brackets, figure and letter "Without prejudice to the provisions of sub-section (4-A), the Board, with the previous approval of the Central Government,", the words "The Board" shall be *substituted* ;

(*f*) for sub-sections (5) and (6), the following sub-sections shall be *substituted*, namely :—

"(5) Without prejudice to the provisions of sub-sections (4-C) and (4-D), the Company Law Board shall in the exercise of its powers and the discharge of its functions under this Act or any other law be guided by the principles of natural justice and shall act in its discretion.

(6) Subject to the foregoing provisions of this section, the Company Law Board shall have power to regulate its own procedure.".

NOTES

The discretion conferred on the Central Government by S. 237(*b*) to order an investigation and delegated by it to the Company Law Board is administrative, that it could be validly exercised by the Chairman of the Board by an order made in pursuance of a rule enacted by the Central Government under S. 642(1), read with S. 10-E(5). *Barium Chemicals Ltd.* v. *Company Law Board*, 1966 Supp SCR 311.

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5. **Insertion of new Section 10-F.**—In Part 1-A of the principal Act, after Section 10-E, the following section shall be *inserted*, namely :—

"*10-F. Appeals against the orders of the Company Law Board.*—Any person aggrieved by any decision or order of the Company Law Board may file an appeal to the High Court within sixty days from the date of communication of the decision or order of the Company Law Board to him on any question of law arising out of such order :

Provided that the High Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed within a further period not exceeding sixty days.".

6. **Amendment of Section 33.**—In Section 33 of the principal Act,—

(*a*) in sub-section (1), for clause (*c*), the following clause shall be *substituted*, namely :—

"(*c*) the agreement, if any, which the company proposes to enter into with any individual for appointment as its managing or whole-time director or manager." ;

(*b*) in sub-section (2),—

(*i*) for the words "a chartered accountant practising in India", the words "a secretary, or a chartered accountant, in whole-time practice in India" shall be *substituted* ;

(*ii*) the words ", managing agent, secretaries and treasurers" shall be *omitted* ;

(*iii*) the following *Explanation* shall be added at the end, namely :—

"*Explanation.*—For the purposes of this sub-section, "chartered accountant in whole-time practice in India" means a chartered accountant within the meaning of clause (*b*) of sub-section (1) of Section 2 of the Chartered Accountant Act, 1949 (38 of 1949), who is practising in India and who is not in fulltime employment.".

7. **Amendment of Section 43-A.**—In Section 43-A of the principal Act,—

(*a*) in sub-section (1), the following *Explanation* shall be added at the end, namely :—

"*Explanation.*—For the purposes of this sub-section, "bodies corporate" means public companies, or private companies which had become public companies by virtue of this section." ;

(*b*) in sub-section (1-A), for the words "less than rupees one crore", the words "less than such amount as may be prescribed" shall be *substituted* ;

(*c*) after sub-section (1-B), the following sub-section shall be *inserted*, namely :—

"(1-C) Where, after the commencement of the Companies (Amendment) Act, 1988, a private company accepts, after an invitation is made by an advertisement, or renews, deposits from

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the public, other than its members, directors or their relatives, such private company shall, on and from the date on which such acceptance or renewal, as the case may be, is first made after such commencement, become a public company and thereupon all the provisions of this section shall apply thereto :

Provided that even after the private company has so become a public company, its articles of association may include provisions relating to the matters specified in clause (*iii*) of sub-section (1) of Section 3 and the number of its members may be, or may at any time be, reduced below seven." ;

(*d*) sub-sections (6) and (7) shall be *omitted* ;

(*e*) in sub-section (8),—

(*i*) in clause (*a*), the word "or" at the end shall be *omitted* ;

(*ii*) clause (*b*) shall be *omitted* ;

(*iii*) in clause (*c*), for the words "rupees one crore or more", the words, brackets, figure and letter "such amount as is referred to in sub-section (1-A) or more" shall be *substituted* ;

(*iv*) after clause (*c*), the following clause shall be *inserted*, namely :—

"(*d*) that the private company did not accept or renew deposits from the public." ;

(*f*) after sub-section (9) and before the *Explanation*, the following sub-section shall be *inserted*, namely :—

"(10) Subject to the other provisions of this Act, any reference in this section to accepting, after an invitation is made by an advertisement, or renewing deposits from the public shall be construed as including a reference to accepting, after an invitation is made by an advertisement or renewing deposits from any section of the public, and the provisions of Section 67 shall, so far as may be, apply, as if the reference to invitation to the public to subscribe for shares or debentures occurring in that section, includes a reference to invitation from the public for acceptance of deposits." ;

(*g*) in the *Explanation*, after clause (*b*), the following clause shall be *inserted*, namely :—

'(*c*) "deposit" has the same meaning as in Section 58-A.'.

3. **Amendment of Section 56.**—In Section 56 of the principal Act, in sub-section (3),—

(*a*) in the opening paragraph, for the words "by a prospectus", the words "by a memorandum containing such salient features of a prospectus as may be prescribed" shall be *substituted* ;

(*b*) in the proviso, for the words "Provided that", the following shall be *substituted*, namely :—

"Provided that a copy of the prospectus shall, on a request being made by any person before the closing of the subscription list, be furnished to him :

Provided further that".

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9. Amendment of Section 58-A.—In Section 58-A of the principal Act,—

(*a*) in sub-section (3), in clause (*a*), for the words "terms of such deposit", the words "terms and conditions of such deposit" shall be *substituted*;

(*b*) after sub-section (3), the following sub-section shall be *inserted*, namely:—

"(3-A) Every deposit accepted by a company after the commencement of the Companies (Amendment) Act, 1988, shall, unless renewed in accordance with the rules made under sub-section (1), be repaid in accordance with the terms and conditions of such deposit.";

(*c*) after sub-section (8) and before the *Explanation*, the following sub-sections shall be *inserted*, namely:—

"(9) Where a company has failed to repay any deposit or part thereof in accordance with the terms and conditions of such deposit, the Company Law Board may, if it is satisfied, either on its own motion or on the application of the depositor, that it is necessary so to do to safeguard the interests of the company, the depositors or in the public interest, direct, by order, the company to make repayment of such deposit or part thereof forthwith or within such time and subject to such conditions as may be specified in the order:

Provided that the Company Law Board may, before making any order under this sub-section, give a reasonable opportunity of being heard to the company and the other persons interested in the matter.

(10) Whoever fails to comply with any order made by the Company Law Board under sub-section (9) shall be punishable with imprisonment which may extend to three years and shall also be liable to a fine of not less than rupees fifty for every day during which such non-compliance continues.".

10. Amendment of Section 73.—In Section 73 of the principal Act,—

(*a*) sub-section (1) shall be renumbered as sub-section (1-A) thereof, and before sub-section (1-A) as so renumbered, the following sub-section shall be *inserted*, namely:—

"(1) Every company intending to offer shares or debentures to the public for subscription by the issue of a prospectus shall, before such issue, make an application to one or more recognised stock exchanges for permission for the shares or debentures intending to be so offered to be dealt with in the stock exchange or each such stock exchange.";

(*b*) in sub-section (1-A), as so renumbered,—

(*i*) for the words "application has been, or will be,", the words, brackets and figure "application under sub-section (1) has been" shall be *substituted*;

(*ii*) the words "if the permission has not been applied for before the tenth day after the first issue of the prospectus,

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or, where such permission has been applied for before that day," shall be *omitted*;

(*c*) in sub-section (2),—

(*i*) for the words "applied for as aforesaid", the words, brackets and figure "applied under sub-section (1)" shall be *substituted*;

(*ii*) for the portion beginning with the words "the directors of the company" and ending with the words "the expiry of the eighth day:", the following shall be *substituted*, namely:—

"the company and every director of the company who is an officer in default shall, on and from the expiry of the eighth day, be jointly and severally liable to repay that money with interest at such rate, not less than four per cent and not more than fifteen per cent., as may be prescribed, having regard to the length of the period of delay in making the repayment of such money.";

(*iii*) the proviso shall be *omitted*;

(*d*) in sub-section (2-A),—

(*i*) for the portion beginning with the words "the directors of the company" and ending with the words "the expiry of the eighth day:", the following shall be *substituted*, namely:—

"the company and every director of the company who is an officer in default shall, on and from the expiry of the eighth day, be jointly and severally liable to repay that money with interest at such rate, not less than four per cent and not more than fifteen per cent, as may be prescribed, having regard to the length of the period of delay in making the repayment of such money.";

(*ii*) the proviso shall be *omitted*.

NOTES

It is not true that permission for 'enlistment' of shares can be given within the initial four weeks or if time be extended, within seven weeks from the date of the closing of the subscription list and if permission by not granted be the exchange within those seven weeks, the allotment becomes void, even if the stock exchange intimates that it is giving further consideration to the application. The intendment of sub-sections (1), (2) and (5) is that if within four weeks from the date of the closing of the subscription list, the stock exchange sends no intimation either extending the time or notifying that the application "though not at present granted will be given further consideration" the application is deemed to be refused.

Unless the statute in clear terms so provides, when the exchange intimates its desire to consider the application further, an inference that the exchange has still rejected the application, cannot be made.

Also it is not true that unless all the applications were granted the allotment of shares must, by virtue of sub-section (1) of S. 73 be invalid. *Union of India* v. *Allied International Products Ltd.*, 1970 (3) SCC 594.

11. Amendment of Section 74.—In Section 74 of the principal Act,—

(*a*) for the words "the eighth day, or the tenth day", the words "or the eighth day" shall be *substituted*;

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(*b*) for the words "eighth, or tenth day, the words "or eighth day" shall be *substituted*.

12. Substitution of new heading for heading above Section 80.—For the heading above Section 80, the heading "Issue and Redemption of Preference Shares" shall be *substituted*.

13. Amendment of Section 80.—In Section 80 of the principal Act, after sub-section (5), the following sub-section shall be *inserted*, namely :—

"(5-A) Notwithstanding anything contained in this Act, no company limited by shares shall, after the commencement of the Companies (Amendment) Act, 1988, issue any preference share which is irredeemable or is redeemable after the expiry of a period of ten years from the date of its issue.".

14. Insertion of new Section 80-A.—After Section 80 of the principal Act, and before the heading "Further Issue of Capital", the following section shall be *inserted*, namely :—

"*80-A. Redemption of irredeemable preference shares, etc.*—(1) Notwithstanding anything contained in the terms of issue of any preference shares, every preference share issued before the commencement of the Companies (Amendment) Act, 1988,—

(*a*) which is irredeemable, shall be redeemed by the company within a period not exceeding five years from such commencement, or

(*b*) which is not redeemable before the expiry of ten years from the date of issue thereon in accordance with the terms of its issue and which had not been redeemed before such commencement, shall be redeemed by the company on the date on which such share is due for redemption or within a period not exceeding ten years from such commencement, whichever is earlier :

Provided that where a company is not in a position to redeem any such share within the period aforesaid and to pay the dividend, if any, due thereon (such shares being hereinafter referred to as unredeemed preference shares), it may, with the consent of the Company Law Board, on a petition made by it in this behalf and notwithstanding anything contained in this Act, issue further redeemable preference shares equal to the amounts due (including the dividend thereon), in respect of the unredeemed preference shares, and on the issue of such further redeemable preference shares, the unredeemed shares shall be deemed to have been redeemed.

(2) Nothing contained in Section 106 or any scheme referred to in Sections 391 to 395, or in any scheme made under Section 396, shall be deemed to confer power on any class of shareholders by resolution or on any court or the Central Government to vary or modify the provisions of this section.

(3) If any default is made in complying with the provisions of this section,—

(*a*) the company making such default shall be punishable with

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fine which may extend to one thousand rupees for every day during which such default continues ; and

(*b*) every officer of the company who is in default shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.".

15. Amendment of Section 108.—In Section 108 of the principal Act, in sub-clause (*i*) of clause (*b*) of sub-section (1-A), for the words "two months", the words "twelve months" shall be *substituted*.

16. Substitution of new section for Section 111.—For Section 111 of the principal Act, the following section shall be *substituted*, namely :—

"*111. Power to refuse registration and appeal against refusal.*—(1) If a company refuses, whether in pursuance of any power of the company under its articles or otherwise, to register the transfer of, or the transmission by operation of law of the right to, any shares or interest of a member in, or debentures of, the company, it shall, within two months from the date on which the instrument of transfer, or the intimation of such transmission, as the case may be, was delivered to the company, send notice of the refusal to the transferee and the transferor or to the person giving intimation of such transmission, as the case may be, giving reasons for such refusal.

(2) The transferor or transferee, or the person who gave intimation of the tramsmission by operation of law, as the case may be, may appeal to the Company Law Board against any refusal of the company to register the transfer or transmission, or against any failure on its part within the period referred to in sub-section (1), either to register the transfer or transmission or to send notice of its refusal to register the same.

(3) An appeal under sub-section (2) shall be made within two months of the receipt of the notice of such refusal or, where no notice has been sent by the company, within four months from the date on which the instrument of transfer, or the intimation of transmission, as the case may be, was delivered to the company.

(4) If—

(*a*) the name of any person—

(*i*) is, without sufficient cause, entered in the register of members of a company, or

(*ii*) after having been entered in the register, is, without sufficient cause, omitted therefrom ; or

(*b*) default is made, or unnecessary delay takes place, in entering in the register the fact of any person having become, or ceased to be, a member [including a refusal under sub-section (1)],

the person aggrieved, or any member of the company, or the company, may apply to the Company Law Board for rectification of the register.

(5) The Company Law Board, while dealing with an appeal preferred under sub-section (2) or an application made under sub-section (4) may, after hearing the parties, either dismiss the appeal or

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reject the application, or by order—

(*a*) direct that the transfer or transmission shall be registered by the company and the company shall comply with such order within ten days of the receipt of the order ; or

(*b*) direct rectification of the register and also direct the company to pay damages, if any, sustained by any party aggrieved.

(6) The Company Law Board, while acting under sub-section (5), may, at its discretion, make—

(*a*) such interim orders, including any orders as to injunction or stay, as it may deem fit and just ;

(*b*) such orders as to costs as it thinks fit ; and

(*c*) incidental or consequential orders regarding payment of dividend or the allotment of bonus or rights shares.

(7) On any application under this section, the Company Law Board—

(*a*) may decide any question relating to the title of any person who is a party to the application to have his name entered in, or omitted from, the register ;

(*b*) generally, may decide any question which it is necessary or expedient to decide in connection with the application for rectification.

(8) The provisions of sub-sections (4) to (7) shall apply in relation to the rectification of the register of debenture-holders as they apply in relation to the rectification of the register of members.

(9) If default is made in giving effect to the orders of the Company Law Board under this section, the company and every officer of the company who is in default shall be punishable with fine which may extend to one thousand rupees, and with a further fine which may extend to one hundred rupees for every day after the first day after which the default continues.

(10) Every appeal or application to the Company Law Board under sub-section (2) or sub-section (4) shall be made by a petition in writing and shall be accompanied by such fee as may be prescribed.

(11) In the case of a private company which is not a subsidiary of a public company, where the right to any shares or interest of a member in, or debentures of, the company is transmitted by a sale thereof held by a court or other public authority, the provisions of sub-sections (4) to (7) shall apply as if the company were a public company :

Provided that the Company Law Board may, in lieu of an order under sub-section (5), pass an order directing the company to register the transmission of the right unless any member or members of the company specified in the order acquire the right aforesaid within such time as may be allowed for the purpose by the order, on payment to the purchaser of the price paid by him therefor or such other sum as the Company Law Board may determine to be a reasonable compensation for the right in all the circumstances of the case.

(12) If default is made in complying with any of the provisions of

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this section, the company and every officer of the company who is in default, shall be punishable with fine which may extend to fifty rupees for every day during which the defualt continues.

(13) Nothing in this section and Sections 108, 109 or 110 shall prejudice any power of a private company under its articles to enforce the restrictions contained therein against the right to transfer the shares of such company.''.

NOTES

The ordinary result of the refusal to register a transfer of shares is that the transferor will be the trustee for the transferee, in respect of the rights relating to the shares. *R. Mathalone*, v. *Bombay Life Assurance Co. Ltd.*, 1954 SCR 117.

17. Amendment of Section 113.—In Section 113 of the principal Act,—

(*a*) in sub-section (1), for the opening portion, the following shall be *substituted*, namely :—

"Every company, unless prohibited by any provision of law or of any order of any court, tribunal or other authority, shall, within three months after the allotment of any of its shares, debentures or debenture stock, and within two months after the application for the registration of the transfer of any such shares, debentures or debenture stock, deliver, in accordance with the procedure laid down in Section 53, the certificates of all shares, debentures and certificates of debenture stocks allotted or transferred :

Provided that the Company Law Board may, on an application being made to it in this behalf by the company, extend any of the periods within which the certificates of all debentures and debenture stocks allotted or transferred shall be delivered under this sub-section, to a further period not exceeding nine months, if it is satisfied that it is not possible for the company to deliver such certificates within the said periods.''

(*b*) in sub-section (3), for the word "Court'', the words "Company Law Board'' shall be *substituted*.

18. Amendment of Section 125.—In Section 125 of the principal Act, in sub-section (1), for the proviso, the following proviso shall be *substituted*, namely :—

"Provided that the Registrar may allow the particulars and instrument or copy as aforesaid to be filed within thirty days next following the expiry of the said period of thirty days on payment of such additional fee not exceeding ten times the amount of fee specified in Schedule X as the Registrar may determine, if the company satisfies the Registrar that it had sufficient cause for not filing the particulars and instrument or copy within that period.''.

19. Amendment of Section 130.—In Section 130 of the principal Act,—

(*a*) for sub-sections (1) and (2), the following sub-sections shall be *substituted*, namely :—

"(1) The Registrar shall, in respect of each company, cause

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to be kept a register containing the particulars of all the charges requiring registration under this Part.

(1-A) Every company shall forward to the Registrar for being entered in the register kept under sub-section (1) the particulars of all the charges requiring registration under this Part in such form and manner, and after payment of, such fees as may be prescribed;

(1-B) The particulars of the charges referred to in sub-section (1) shall relate to,—

(*a*) in the case of a charge to the benefit of which the holders of a series of debentures are entitled, such particulars as are specified in Sections 128 and 129;

(*b*) in the case of any other charge,—

(*i*) if the charge is a charge created by the company, the date of its creation, and if the charge was a charge existing on property acquired by the company, the date of the acquisition of the property;

(*ii*) the amount secured by the charge;

(*iii*) short particulars of the property charged; and

(*iv*) the persons entitled to the charge.

(1-C) The pages of the register shall be consecutively numbered and the Registrar shall—

(*a*) cause to be kept in such register in the prescribed form, the documents of charges filed in such form and manner as may be prescribed; and

(*b*) sign or initial every page of such register.

(2) After entering the particulars of all the charges required under sub-section (1), the Registrar shall return the instrument, if any, or the verified copy thereof, as the case may be, filed in accordance with the provisions of this Part to the person filing it.";

(*b*) in sub-section (3), for the words "a fee of one rupee", the words "such fee as may be prescribed" shall be *substituted*.

20. Amendment of Section 149.—In Section 149 of the principal Act, in sub-sections (1), (2) and (2-A), for the words "one of the directors or the secretary", the words "one of the directors or the secretary or, where the company has not appointed a secretary, a secretary in whole-time practice" shall be *substituted*.

21. Omission of Sections 155 and 156.—Sections 155 and 156 of the principal Act, shall be *omitted*.

22. Amendment of Section 159.—In sub-section (1) of Section 159 of the principal Act, in the proviso, for the words "any of the two", the words "any of the five" shall be *substituted*.

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23. Amendment of Section 161.—In Section 161 of the principal Act,—

(*a*) in sub-section (1),—

(*i*) the words "managing agent, secretaries and treasurers," shall be *omitted*;

(*ii*) the following proviso shall be *inserted*, namely:—

"Provided that where the annual return is filed by a company whose shares are listed on a recognised stock exchange, the copy of such annual return shall also be signed by a secretary in whole-time practice.";

(*b*) in sub-section (2), for the words "both the signatories", the words "the signatories" shall be *substituted*.

24. Amendment of Section 179.—In Section 179 of the principal Act, in sub-section (1), for clauses (*a*) to (*d*), the following clauses shall be *substituted*, namely:—

"(*a*) in the case of a public company having a share capital, by any member or members present in person or by proxy and holding shares in the company—

(*i*) which confer a power to vote on the resolution not being less than one tenth of the total voting power in respect of the resolution, or

(*ii*) on which an aggregate sum of not less than fifty thousand rupees has been paid up,

(*b*) in the case of a private company having a share capital, by one member having the right to vote on the resolution and present in person or by proxy if not more than seven such members are personally present, and by two such members present in person or by proxy, if more than seven such members are personally present,

(*c*) in the case of any other company, by any member or members present in person or by proxy and having not less than one tenth of the total voting power in respect of the resolution.".

25. Amendment of Section 198.—In Section 198 of the principal Act, for sub-section (4), the following sub-section shall be *substituted*, namely:—

"(4) Notwithstanding anything contained in sub-section (1) to (3), but subject to the provisions of Section 269, read with Schedule XIII, if, in any financial year, a company has no profits or its profits are inadequate, the company shall not pay to its directors, including any managing or whole-time director or manager, by way of remuneration any sum [exclusive of any fees payable to directors under sub-section (2) of Section 309], except with the previous approval of the Central Government."

26. Amendment of Section 205.—In Section 205 of the principal Act,—

(*a*) in sub-section (2), in clause (*d*), for the words and figures "the Indian Income-tax Act, 1922 (11 of 1922), or the rules made thereunder", the words "this Act or any rules made thereunder" shall be *substituted*;

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(*b*) after sub-section (2-A), the following sub-section shall be *inserted*, namely :—

"(2-B) A company which fails to comply with the provisions of Section 80-A shall not, so long as such failure continues, declare any dividend on its equity shares.".

NOTES

Dividend.—When a company declares a dividend on its shares, a debt immediately becomes payable to each shareholder in respect of his share of the dividend for which he can sue at law and the declaration does not make the company a trustee of the dividend for the shareholder. *General Assurance Society Ltd.* v. *Life Insurance Corp. of India*, (1964) 5 SCR 125.

It was evident from the definition of the word 'dividend' that if a distribution of accumulated profits, whether capitalised or not, entailed the release by a company to its shareholder of all or any part of its assets, it was dividend. *Bharat Fire and Gen. Ins. Co. Ltd.* v. *I.T. Commr.*, (1964) 7 SCR 626.

27. **Amendment of Section 205-A.**—In Section 205-A of the principal Act, in sub-section (1),—

(*a*) for the words, "or the warrant in respect thereof has not been posted", the words "or claimed" shall be *substituted*;

(*b*) for the words "or in relation to which no dividend warrant has been posted", the words "or unclaimed" shall be *substituted*;

(*c*) the following *Explanation*, shall be *inserted* at the end, namely :—

"*Explanation.*—In this sub-section, the expression "dividend which remains unpaid" means any dividend the warrant in respect thereof has not been encashed or which has otherwise not been paid or claimed.".

28. **Insertion of new Section 206-A.**—After Section 206 of the principal Act, the following section shall be *inserted*, namely :—

"*206-A. Right to divident rights shares and bonus shares to be held in abeyance pending registration of transfer of shares.*—Where any instrument of transfer of shares has been delivered to any company for registration and the transfer of such shares has not been registered by the company, it shall, nothwithstanding anything contained in any other provision of this Act,—

(*a*) transfer the dividend in relation to such shares to the special account referred to in Section 205-A unless the company is authorised by the registered holder of such share in writing to pay such dividend to the transferee specified in such instrument of transfer ; and

(*b*) keep in abeyance in relation to such shares any offer of rights shares under clause (*a*) of sub-section (1) of Section 81 and any issue of fully paid-up bonus shares in pursuance of sub-section (3) of Section 205.".

29. **Amendment of Section 209.**—In Section 209 of the principal Act, for sub-section (3), the following sub-section shall be *substituted*, namely :—

"(3) For the purposes of sub-sections (1) and (2), proper books of account shall not be deemed to be kept with respect to the matters

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specified therein,—

(*a*) if there are not kept such books as are necessary to give a true and fair view of the state of affairs of the company or branch office, as the case may be, and to explain its transactions; and

(*b*) if such books are not kept on accrual basis and according to the double entry system of accounting.".

30. Amendment of Section 217.—In Section 217 of the principal Act,—

(*a*) in sub-section (1), after clause (*d*), the following clause shall be *added*, namely:—

"(*e*) the conservation of energy, technology absorption, foreign exchange earnings and outgo, in such manner as may be prescribed.";

(*b*) in sub-section (2-A), in clause (*a*),—

(1) in sub-clause (*i*), for the words "thirty-six thousand rupees", the words "such sum as may be prescribed" shall be *substituted*;

(2) in sub-clause (*ii*), for the words "three thousand rupees per month", the words "such sum per month as may be prescribed; or" shall be *substituted*;

(3) after sub-clause (*ii*), the following sub-clause shall be *inserted*, namely:—

"(*iii*) if employed throughout the financial year or part thereof, was in receipt of remuneration in that year which, in the aggregate, or as the case may be, at a rate which, in the aggregate, is in excess of that drawn by the managing director or whole-time director or manager and holds by himself or along with his spouse and dependent children, not less than two per cent, of the equity shares of the company.".

31. Amendment of Section 219.—In Section 219 of the principal Act,—

(*a*) in sub-section (1),—

(*i*) in the opening paragraph, for the portion beginning with the words "to every holder of debentures" and ending with the words "being persons so entitled", the following shall be *substituted*, namely:—

"to every trustee for the holders of any debentures issued by the company, whether such member or trustee is or is not entitled to have notices of general meetings of the company sent to him, and to all persons other than such members or trustees, being persons so entitled";

(*ii*) in the proviso, in clause (*b*),

(1) the word "or" occurring at the end of sub-clause (*ii*) shall be *omitted*;

(2) the word "and" occurring at the end of sub-clause (*iii*) shall be *omitted*;

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(3) after sub-clause (*iii*), the following sub-clause shall be *inserted*, namely :—

"(*iv*) in the case of a company whose shares are listed on a recognised stock exchange, if the copies of the documents aforesaid are made available for inspection at its registered office during working hours for a period of twenty-one days before the date of the meeting and a statement containing the salient features of such documents in the prescribed form or copies of the documents aforesaid, as the company may deem fit, is sent to every member of the company and to every trustee for the holders of any debentures issued by the company not less than twenty-one days before the date of the meeting ;" ;

(*b*) for sub-section (2), the following sub-section shall be *substituted*, namely :—

"(2) Any member or holder of debentures of a company and any person from whom the company has accepted a sum of money by way of deposit shall, on demand, be entitled to be furnished free of cost, with a copy of the last balance sheet of the company and of every document required by law to be annexed or attached thereto, including the profit and loss account and the auditors' report." ;

(*c*) in sub-section (4), for the word "Court", the words ", Company Law Board" shall be *substituted*.

32. Amendment of Section 220.—In Section 220 of the principal Act, in sub-section (2), after the words "does not adopt the balance sheet,", the words "or is adjourned without adopting the balance sheet," shall be *inserted*.

33. Amendment of Section 224.—In sub-section (1-B) of Section 224 of the principal Act,—

(*a*) in the opening paragraph, after the words "re-appoint any person", the words "who is in full-time employment elsewhere" shall be *inserted* ;

(*b*) for the first proviso, the following proviso shall be *substituted*, namely :—

"Provided that in the case of a firm of auditors, "specified number of companies" shall be construed as the number of companies specified for every partner of the firm who is not in fulltime employment elsewhere ;".

34. Amendment of Section 224-A.—In sub-section (2) of Section 224-A of the principal Act, in clause (*b*) of the *Explanation*, the words, brackets and figures "or in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980)," shall be *added* at the end.

35. Amendment of Section 233-B.—In Section 233-B of the principal Act, for sub-section (2), the following sub-section shall be *substituted*, namely :—

"(2) The auditor under this section shall be appointed by the

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Board of directors of the company in accordance with the provisions of sub-section (1-B) of Section 224 and with the previous approval of the Central Government :

Provided that before the appointment of any auditor is made by the Board, a written certificate shall be obtained by the Board from the auditor proposed to be so appointed to the effect that the appointment, if made, will be in accordance with the provisions of sub-section (1-B) of Section 224.".

36. Substitution of new section for Section 235.—For Section 235 of the principal Act, the following section shall be *substituted*, namely :—

"*235. Investigation of the affairs of a company.*—(1) The Central Government may, where a report has been made by the Registrar under sub-section (6) of Section 234, or under sub-section (7) of that section, read with sub-section (6) thereof, appoint one or more competent persons as inspectors to investigate the affairs of a company and to report thereon in such manner as the Central Government may direct.

(2) Where—

(*a*) in the case of a company having a share capital, an application has been received from not less than two hundred members or from members holding not less than one-tenth of the total voting power therein, and

(*b*) in the case of a company having no share capital, an application has been received from not less than one-fifth of the persons on the company's register of members,

the Company Law Board may, after giving the parties an opportunity of being heard by order, declare that the affairs of the company ought to be investigated by an inspector or inspectors, and on such a declaration being made, the Central Government shall appoint one or more competent persons as inspectors to investigate the affairs of the company and to report thereon in such manner as the Central Government may direct.".

NOTES

It is true that the authority to take action under S. 235 is the Government and the action authorised thereunder is investigation but action can be taken thereunder not suo motu but only on an application by a certain number of members or by members with a certain amount of voting power or on the Registrar's reports. Section 234, besides, has nothing to do with investigation as S. 235 and S. 237 have, though on a report under S. 234, the Government can institute investigation under cl. (*e*) of S. 235. *Barium Chemicals Ltd.* v. *Company Law Board*, 1966 Supp SCR 311, 345.

37. Amendment of Section 236.—In Section 236 of the principal Act,—

(*a*) for the words, brackets, letters and figures "under clause (*a*) or (*b*) of Section 235", the words, brackets and figures "under sub-section (2) of Section 235" shall be *substituted*;

(*b*) for the words "Central Government may require", the words "Company Law Board may require" shall be *substituted*.

38. Amendment of Section 237.—In Section 237 of the principal Act, in clause (*b*),—

(*a*) for the words "Central Government", the words "Company Law Board" shall be *substituted*;

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(*b*) in sub-clause (*iii*), the words "the managing agent, the secretaries and treasurers," shall be *omitted*.

39. Amendment of Section 241.—In sub-section (2) of Section 241 of the principal Act,—

(*i*) in clause (*c*), for the words, brackets and letters "under clause (*a*) or (*b*)", the words, brackets and figure "in pursuance of the provisions of sub-section (2)" shall be *substituted*;

(*ii*) in clause (*d*), the word "and" at the end shall be *omitted*;

(*iii*) after clause (*d*), the following clause shall be *inserted*, namely :—

"(*dd*) shall, where the inspectors are appointed in pursuance of the provisions of sub-section (2) of Section 235, furnish a copy of the report to the Company Law Board; and".

40. Amendment of Section 245.—In sub-section (1) of Section 245 of the principal Act, in sub-clause (*ii*) of clause (*c*), for the words, brackets and letters "under clause (*a*) or clause (*b*)", the words, brackets and figure "in pursuance of the provisions of sub-section (2)" shall be *substituted*.

41. Amendment of Section 247.—In Section 247 of the principal Act, after sub-section (1), the following sub-section shall be *inserted*, namely :—

"(1-A) Without prejudice to its powers under this section, the Central Government shall appoint one or more inspectors under sub-section (1), if the Company Law Board, in the course of any proceedings before it, declares by an order that the affairs of the company ought to be investigated as regards the membership of the company and other matters relating to the company, for the purpose of determining the true persons—

(*a*) who are or have been financially interested in the success or failure, whether real or apparent, of the company; or

(*b*) who are or have been able to control or materially to influence the policy of the company.".

42. Amendment of Section 248.—In sub-section (1) of Section 248 of the principal Act,—

(*a*) for the words "Where it appears to the Central Government", the words "Where it appears to the Central Government, or to the Company Law Board in any proceedings before it," shall be *substituted*;

(*b*) for the words "the Central Government may require", the words "the Central Government or the Company Law Board, as the case may be, may require" shall be *substituted*;

(*c*) for the words "to give the Central Government", the words "to give the Central Government or the Company Law Board, as the case may be," shall be *substituted*.

43. Amendment of Section 250.—In Section 250 of the principal Act,—

(*a*) in sub-section (1),—

(*i*) for the words and figures "Where it appears to the Central

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Government, whether in connection with any investigation under Section 247, 248 or 249 or otherwise", the words and figures "Where it appears to the Company Law Board, whether on a reference made to it by the Central Government in connection with any investigation under Section 247, 248 or 249 or on a complaint made by any person in this behalf" shall be *substituted*;

(*ii*) for the words "Central Government", at both the places where they occur, the words "Company Law Board" shall be *substituted*;

(*b*) for subsections (3) and (4), the following sub-sections shall be *substituted*, namely:—

"(3) Where a transfer of shares in a company has taken place and as a result thereof a change in the composition of the Board of directors of the company is likely to take place and the Company Law Board is of the opinion that any such change would be prejudicial to the public interest, it may, by order, direct that—

(*a*) the voting rights in respect of those shares shall not be exercisable for such period not exceeding three years as may be specified in the order;

(*b*) no resolution passed or action taken to effect a change in the composition of the Board of directors before the date of the order shall have effect unless confirmed by the Company Law Board.

(4) Where the Company Law Board has reasonable ground to believe that a transfer of shares in a company is likely to take place whereby a change in the composition of the Board of directors of the company is likely to take place and the Company Law Board is of the opinion that any such change would be prejudical to the public interest, the Company Law Board may, by order, direct that any transfer of shares in the company during such period not exceeding three years as may be specified in the order, shall be void.";

(*c*) in sub-section (5), for the words "Central Government", the words "Company Law Board" shall be *substituted*;

(*d*) sub-sections (6) and (7) shall be *omitted*;

(*e*) in sub-section (8), for the words "Central Government", the words "Company Law Board" shall be *substituted*.

44. Amendment of Section 251.—In Section 251 of the principal Act, for the words "the Registrar or to the Central Government or to an inspector appointed by that Government", the words "Company Law Board or to the Central Government or to the Registrar or to an inspector appointed by Central Government" shall be *substituted*.

45. Amendment of Section 257.—In sub-section (1) of Section 257 of the principal Act, the following shall be *added* at the end, namely,—

"along with a deposit of five hundred rupees which shall be refunded to such person or, as the case may be, to such member, if the person succeeds in getting elected as a director.".

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46. Substitution of new section for Section 269.—For Section 269 of the principal Act, the following section shall be *substituted*, namely :—

"*269. Appointment of managing or whole-time director or manager to require Government approval only in certain cases.*—(1) On and from the commencement of the Companies (Amendment) Act, 1988, every public company, or a private company which is a subsidiary of a public company, having a paid up share capital of such sum as may be prescribed, shall have a managing or whole-time director or a manager.

(2) On and from the commencement of the Companies (Amendment) Act, 1988, no appointment of a person as a managing or whole-time director or a manager in a public company or a private company which is a subsidiary of a public company shall be made except with the approval of the Central Government unless such appointment is made in accordance with the conditions specified in Parts I and II of Schedule XIII (the said Parts being subject to the provisions of Part III of that Schedule) and a return in the prescribed form is filed within ninety days from the date of such appointment.

(3) Every application seeking approval to the appointment of a managing or whole-time director or a manager shall be made to the Central Government within a period of ninety days from the date of such appointment.

(4) The Central Government shall not accord its approval to an application made under sub-section (3), if it is satisfied that—

(*a*) the managing or whole-time director or the manager appointed is, in its opinion, not a fit and proper person to be appointed as such or such appointment is not in the public interest ; or

(*b*) the terms and conditions of the appointment of managing or whole-time director or the manager are not fair and reasonable.

(5) It shall be competent for the Central Government while according approval to an appointment under sub-section (3) to accord approval for a period lesser than the period for which the appointment is proposed to be made.

(6) If the appointment of a person as a managing or whole-time director or a manager is not approved by the Central Government under sub-section (4), the person so appointed shall vacate his office as such managing or whole-time director or manager on the date on which the decision of the Central Government is communicated to the company, and if he omits or fails to do so, he shall be punishable with fine which may extend to five hundred rupees for every day during which he omits or fails to vacate such office.

(7) Where the Central Government *suo motu* or on any information received by it is, *prima facie*, of the opinion that any appointment made under sub-section (2) without the approval of the Central Government has been made in contravention of the requirements of Schedule XIII, it shall be competent for the Central Government to refer the matter to the Company Law Board for decision.

(8) The Company Law Board shall, on receipt of a reference under sub-section (7), issue a notice to the company, the managing or whole-

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time director or the manager, as the case may be, and the director or other officer responsible for complying with the requirements of Schedule XIII, to show cause as to why such appointment shall not be terminated and the penalties provided under sub-section (10) shall not be imposed.

(9) The Company Law Board shall, if, after giving a reasonable opportunity to the company, the managing or whole-time director or the manager, or the officer who is in default, as the case may be, comes to the conclusion that the appointment has been made in contravention of the requirements of Schedule XIII, make an order declaring that a contravention of the requirements of Schedule XIII has taken place.

(10) On the making of an order by the Company Law Board under sub-section (9),—

(*a*) the company shall be liable to a fine which may extend to five thousand rupees ;

(*b*) every officer of the company who is in default shall be liable to a fine of ten thousand rupees ; and

(*c*) the appointment of the managing or whole-time director or manager, as the case may be, shall be deemed to have come to an end and the person so appointed shall, in addition to being liable to pay a fine of ten thousand rupees, refund to the company the entire amount of salaries, commissions and perquisites received or enjoyed by him between the date of his appointment and the passing of such order.

(11) If a company contravenes the provisions of sub-section (10) or any direction given by the Company Law Board under that sub-section, every officer of the company who is in default and the managing or whole-time director or the manager, as the case may be, shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to a fine which may extend to fifty rupees for every day of default.

(12) All acts done by a managing or whole-time director or a manager, as the case may be, purporting to act in such capacity and whose appointment has been found to be in contravention of Schedule XIII, shall, if the acts so done are valid otherwise, be valid notwithstanding any order made by the Company Law Board under sub-section (9).

Explanation.—In this section "appointment" includes re-appointment and "whole-time director" includes a director in the 'whole-time employment of the company.'.

47. Amendment of Section 310.—In Section 310 of the principal Act,—

(*a*) in the opening paragraph, for the portion beginning with the words "shall not have any effect" and ending with the words "approved by the Central Government", the following shall be *substituted*, namely :—

"shall not have any effect—

(*a*) in cases where Schedule XIII is applicable, unless such

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increase is in accordance with the conditions specified in that Schedule ; and

(*b*) in any other case, unless it is approved by the Central Government." ;

(*b*) in the proviso, for the words "two hundred and fifty rupees", the words "such sum as may be prescribed" shall be *substituted* ;

(*c*) after the proviso as so amended, the following proviso shall be *inserted*, namely :—

"Provided further that where in the case of any private company which converts itself into a public company or becomes a public company under the provisions of Section 43-A, any provision relating to the remuneration of any director including a managing or whole-time director as contained in its memorandum or articles or in any agreement entered into by it or in any resolution passed by it in general meeting or by its Board of Directors includes a provision for the payment of fee for each meeting of the Board or a Committee thereof attended by any such director which is in excess of the sum specified under the first proviso, such provision shall be deemed to be an increase in the remuneration of such director and shall not, after it ceases to be a private company, or, as the case may be, becomes a public company, have any effect unless approved by the Central Government.".

48. Amendment of Section 311.—In Section 311 of the principal Act, for the portion beginning with the words "shall not have any effect" and ending with the words "approved by the Central Government", the following shall be *substituted*, namely :—

"shall not have any effect—

(*a*) in cases where Schedule XIII is applicable, unless such increase is in accordance with the conditions specified in that Schedule ; and

(*b*) in any other case, unless it is approved by the Central Government".

49. Amendment of Section 314.—In Section 314 of the principal Act,—

(*a*) in sub-section (1), in clause (*b*), for the words "five hundred rupees or more", the words "such sum as may be prescribed" shall be *substituted* ;

(*b*) in sub-section (1-B),—

(*i*) for the words "three thousand rupees", the words "such sum as may be prescribed" shall be *substituted* ;

(*ii*) the proviso shall be *omitted* ;

(*c*) in sub-section (2-D), the words, brackets, figure and letter "or (2-C), as the case may be," shall be *omitted*.

50. Amendment of Section 350.—In Section 350 of the principal Act, for the portion beginning with the words "at the rate specified for the

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assets" and ending with the words "or those rules or otherwise", the words and figures "at the rate specified in Schedule XIV" shall be *substituted*.

51. Amendment of Section 370.—In Section 370 of the principal Act,—

(*a*) in sub-section (1),—

(*i*) in the first proviso, for the words "ten per cent of the aggregate of the subscribed capital of the lending company and its free reserves", the words "such percentage of the aggregate of the subscribed capital of the lending company and its free reserves as may be prescribed," shall be *substituted*.

(*ii*) in the second proviso,—

"(1) in clause (*a*), for the words "thirty per cent of the aggregate of the subscribed capital of the lending company and its free reserves", the words "such percentage of the aggregate of the subscribed capital of the lending company and its free reserves as may be prescribed" shall be *substituted*;

(2) in clause (*b*), for the words "twenty per cent of the aggregate of the subscribed capital of the lending company and its free reserves", the words "such percentage of the aggregate of the subscribed capital of the lending company and its free reserves as may be prescribed" shall be *substituted*;

(*iii*) in *Explanation 1*, for the words, brackets and letters "thirty per cent of the aggregate specified in clause (*a*), or, as the case may be, of twenty per cent of the aggregate specified in clause (*b*), of the second proviso", the words, brackets and letters "the percentage of the aggregate specified in clause (*a*), or, as the case may be, the percentage of the aggregate specified in clause (*b*) of the second proviso" shall be *substituted*;

(*b*) the following *Explanation* shall be *added* at the end, namely:

'*Explanation*.—For the purposes of this section, "loan" includes any deposit of money made by one company with another company, not being a banking company.'.

52. Amendment of Section 372.—In Section 372 of the principal Act,—

(*a*) for sub-section (1), the following sub-section shall be *substituted*, namely:—

"(1) A company, whether by itself or together with its subsidiaries (hereafter in this section and Section 373 referred to as the investing company), shall not be entitled to acquire, by way of subscription, purchase or otherwise (whether by itself, or by any individual or association of individuals in trust for it or for its benefit or on its account) the shares of any other body corporate except to the extent, and except in accordance with the restrictions and conditions, specified in this section.";

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(*b*) in sub-section (2),

(*i*) for the opening paragraph, the following shall be *substituted*, namely :—

"The Board of directors of the investing company shall be entitled to invest in any shares of any other body corporate up to such percentage of the subscribed equity share capital, or the aggregate of the paid-up equity and preference share capital, of such other body corporate, whichever is less, as may be prescribed." ;

(*ii*) in the first proviso, for the words "thirty per cent of the subscribed capital of the investing company", the words "such percentage of the aggregate of the subscribed capital and free reserves of the investing company, as may be prescribed" shall be *substituted* ;

(*iii*) in the second proviso, for the words "twenty per cent of the subscribed capital of the investing company", the words "such percentage of the aggregate of the subscribed capital and free reserves of the investing company as may be prescribed" shall be *substituted* ;

(*c*) in sub-section (4), for the words "unless further it is approved", the words "unless previously approved" shall be *substituted* ;

(*d*) in sub-section (14), for clause (*d*), the following shall be *substituted*, namely :—

"(*d*) to investments by a holding company in its subsidiary, other than a subsidiary within the meaning of clause (*a*) of sub-section (1) of Section 4 ;".

53. Amendment of Section 383-A.—In Section 383-A of the principal Act,—

(*a*) in sub-section (1), for the words "having a paid-up capital of rupees twenty-five or more", the words "having such paid-up share capital as may be prescribed" shall be *substituted* ;

(*b*) after sub-section (1), the following sub-section shall be *inserted*, namely :—

"(1-A) If a company fails to comply with the provisions of sub-section (1), the company and every officer of the company who is in default, shall be punishable with fine which may extend to fifty rupees for every day during which the default continues :

Provided that in any proceedings against a person in respect of an offence under this sub-section, it shall be a defence to prove that all reasonable efforts to comply with the provisions of sub-section (1) were taken or that the financial position of the company was such that it was beyond its capacity to engage a whole-time secretary.".

54. Amendment of Section 408.—In Section 408 of the principal Act,—

(*a*) for sub-sections (1) and (2), the following sub-sections shall be *substituted*, namely :—

"(1) Notwithstanding anything contained in this Act, the

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Central Government may appoint such number of persons as the Company Law Board may, by order in writing, specify as being necessary to effectively safeguard the interests of the company, or its shareholders or the public interests to hold office as directors thereof for such period, not exceeding three years on any one occasion, as it may think fit, if the Company Law Board, on a reference made to it by the Central Government or on an application of not less than one hundred members of the company or of the members of the company holding not less than one-tenth of the total voting power therein, is satisfied, after such inquiry as it deems fit to make, that it is necessary to make the appointment or appointments in order to prevent the affairs of the company being conducted either in a manner which is oppressive to any members of the company or in a manner which is prejudicial to the interests of the company or to public interest:

Provided that in lieu of passing an order as aforesaid, the Company Law Board may, if the company has not availed itself of the option given to it under Section 265, direct the company to amend its articles in the manner provided in that section and make fresh appointments of directors in pursuance of the articles as so amended, within such time as may be specified in that behalf by the Company Law Board.

(2) In case the Company Law Board passes an order under the proviso to sub-section (1), it may, if it thinks fit, direct that until new directors are appointed in pursuance of the order aforesaid, such number of persons as the Company Law Board may, by order, specify as being necessary to effectively safeguard the interests of the company, or its shareholders or the public interest, shall hold office as additional directors of the company and on such directions, the Central Government shall appoint such additional directors.";

(*b*) in sub-section (5), for the words "Central Government", the words "Company Law Board" shall be *substituted*;

(*c*) in sub-section (6), the following shall be *added* at the end, namely:—

"and such directions may include directions to remove an auditor already appointed and to appoint another auditor in his place or to alter the articles of the company, and upon such directions being given, the appointment, removal or alteration, as the case may be, shall be deemed to have come into effect as if the provisions of this Act in this behalf have been complied with without requiring any further act or thing to be done".

55. Amendment of Section 462.—In Section 462 of the principal Act, after sub-section (4), the following sub-section shall be *inserted*, namely:—

"(4-A) Where an account referred to in sub-section (4) relates to a Government company in liquidation, the liquidator shall forward a copy thereof,—

(*a*) to the Central Government, if that Government is a member of the Government company; or

(*b*) to any State Government, if that Government is a member of the Government company; or

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(*c*) to the Central Government and any State Government, if both the Governments are members of the Government company.".

56. Amendment of Section 551.—In Section 551 of the principal Act, after sub-section (2), the following sub-section shall be *inserted*, namely :—

"(2-A) Where a statement referred to in sub-section (2) relates to a Government company in liquidation, the liquidator shall forward copy thereof,—

(*a*) to the Central Government, if that Government is a member of the Government company ; or

(*b*) to any State Government, if that Government is a member of the Government company ; or

(*c*) to the Central Government and any State Government, if both the Governments are members of the Government company.".

57. Amendment of Section 610.—In Section 610 of the principal Act,—

(*a*) in sub-section (1),—

(*i*) in clause (*a*), for the words "a fee of one rupee", the words "such fees as may be prescribed" shall be *substituted* ;

(*ii*) in clause (*b*), for the words beginning with "a fee of five rupees, and ending with the words "copy of extract", the words "such fee as may be prescribed" shall be *substituted* ;

(*b*) in sub-section (2), after the word "Court", wherever it occurs, the words "or the Company Law Board" shall be *inserted*.

58. Amendment of Section 619-A.—In Section 619-A of the principal Act, after sub-section (3), the following sub-section shall be *inserted*, namely :—

"(4) The provisions of this section shall, so far as may be, apply to a Government company in liquidation as they apply to any other Government company.".

59. Insertion of new Section 621-A.—After Section 621 of the principal Act, the following section shall be *inserted*, namely :—

"*621-A. Composition of certain offences.*—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), any offence punishable under this Act (whether committed by a company or any officer thereof), not being an offence punishable with imprisonment only, or with imprisonment and also with fine, may, either before or after the institution of any prosecution, be compounded by—

(*a*) the Company Law Board ; or

(*b*) where the maximum amount of fine which may be imposed for such offence does not exceed five thousand rupees, by the Regional Director,

on payment or credit, by the company or the officer as the case may be, to the Central Government of such sum as that Board or the Regional Director, as the case may be, may specify :

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Provided that the sum so specified shall not, in any case, exceed the maximum amount of the fine which may be imposed for the offence so compounded :

Provided further that in specifying the sum required to be paid or credited for the compounding of an offence under this sub-section, the sum, if any, paid by way of additional fee under sub-section (2) of Section 611 shall be taken into account.

(2) Nothing in sub-section (1) shall apply to an offence committed by a company or its officer within a period of three years from the date on which a similar offence committed by it or him was compounded under this section.

Explanation.—For the purposes of this section,—

(*a*) any second or subsequent offence committed after the expiry of a period of three years from the date on which the offence was previously compounded, shall be deemed to be a first offence ;

(*b*) "Regional Director" means a person appointed by the Central Government as a Regional Director for the purposes of this Act.

(3) Every Regional Director shall exercise the powers to compound an offence, subject to the direction, control and supervision of the Company Law Board.

(4) (*a*) Every application for the compounding of an offence shall be made to the Registrar who shall forward the same, together with his comments thereon, to the Company Law Board or the Regional Director, as the case may be.

(*b*) Where any offence is compounded under this section, whether before or after the institution of any prosecution, an intimation thereof shall be given by the company to the Registrar within seven days from the date on which the offence is so compounded.

(*c*) Where any offence is compounded before the institution of any prosecution, no prosecution shall be instituted in relation to such offence, either by the Registrar or by any shareholder of the company or by any person authorised by the Central Government against the offender in relation to whom the offence is so compounded.

(*d*) Where the composition of any offence is made after the institution of any prosecution, such composition shall be brought by the Registrar in writing, to the notice of the Court in which the prosecution is pending and on such notice of the composition of the offence being given, the company or its officer in relation to whom the offence is so compounded shall be discharged.

(5) The Company Law Board or the Regional Director, as the case may be, while dealing with a proposal for the compounding of an offence for a default in compliance with any provision of this Act which requires a company or its officer to file or register with, or deliver or send to, the Registrar any return, account or other document, may, direct, by order, if it or he thinks fit to do so, any officer or other employee of the company to file or register with, or on payment of the fee, and the additional fee, required to be paid under Section 611,

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such return, account or other document within such time as may be specified in the order.

(6) Any officer or other employee of the company who fails to comply with any order made by the Company Law Board or the Regional Director under sub-section (5) shall be punishable with imprisonment for a term which may extend to six months, or with fine not exceeding five thousand rupees, or with both.

(7) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974),—

(*a*) any offence which is punishable under this Act with imprisonment or with fine, or with both, shall be compoundable with the permission of the Court, in accordance with the procedure laid down in that Act for compounding of offences ;

(*b*) any offence which is punishable under this Act with imprisonment only or with imprisonment and also with fine shall not be compoundable.

(8) No offence specified in this section shall be compounded except under and in accordance with the provisions of this section.".

60. Amendment of Section 634-A.—In Section 634-A of the principal Act, the words and figures "under Section 17, Section 18, Section 19, Section 79, Section 141 or Section 186" shall be *omitted*.

61. Amendment of Section 635.—In sub-section (4) of Section 635 of the principal Act, the words and figures "under Section 17, Section 18, Section 19, Section 79 or Section 186" shall be *omitted*.

62. Amendment of Section 637.—In Section 637 of the principal Act,—

(*a*) for sub-section (1), the following sub-section shall be *substituted*, namely :—

"(1) The Central Government may, by notification in the Official Gazette, and subject to such conditions, restrictions and limitations as may be specified therein, delegate any of its powers or functions under this Act (other than the power to appoint a person as public trustee under Section 153-A and the power to make rules), to such authority or officer as may be specified in the notification." ;

(*b*) in sub-section (2),—

(*i*) the words, brackets and letter "clause (*b*) of" shall be *omitted* ;

(*ii*) the figures "409" shall be *omitted* ;

(*c*) sub-section (2-A) shall be *omitted*.

63. Amendment of Section 637-A.—In Section 637-A of the principal Act, in sub-section (2), the words "not exceeding one hundred rupees" shall be *omitted*.

64. Amendment of Section 640-A.—In Section 640-A of the principal Act, and in the heading before that section, for the word "Court" the words "Court or the Company Law Board" shall be *substituted*.

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65. Amendment of Section 640-B.—In Section 640-B of the principal Act, in sub-section (1), for the figures and word "346, 352, 408 or 409", the figures and word "346 or 352" shall be *substituted*.

66. Insertion of new Schedules XIII and XIV.—After Schedule XII of the principal Act, the following Schedules shall be *inserted*, namely :—

"SCHEDULE XIII

(*See* Sections 198, 269, 310 and 311)

CONDITIONS TO BE FULFILLED FOR THE APPOINTMENT OF A MANAGING OR WHOLE-TIME DIRECTOR OR A MANAGER WITHOUT THE APPROVAL OF THE CENTRAL GOVERNMENT

PART I

Appointments

1. No person shall be eligible for appointment as a managing or whole-time director or a manager of a company unless he satisfies the following conditions, namely :—

(*a*) he had not been sentenced to imprisonment for any period, or to a fine exceeding one thousand rupees, for the conviction of an offence under any of the following Acts, namely :—

(*i*) The Indian Stamp Act, 1899 (2 of 1899),

(*ii*) The Central Excises and Salt Act, 1944 (1 of 1944);

(*iii*) The Imports and Exports (Control) Act, 1947 (18 of 1947),

(*iv*) The Industries (Development and Regulation) Act, 1951 (65 of 1951),

(*v*) The Prevention of Food Adulteration Act, 1954 (37 of 1954),

(*vi*) The Essential Commodities Act, 1955 (10 of 1955),

(*vii*) The Companies Act, 1956 (1 of 1956),

(*viii*) The Wealth-tax Act, 1957 (27 of 1957),

(*ix*) The Income-tax Act, 1961 (43 of 1961),

(*x*) The Customs Act, 1962 (52 of 1962),

(*xi*) The Gold (Control) Act, 1968 (45 of 1968),

(*xii*) The Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969),

(*xiii*) The Foreign Exchange Regulation Act, 1973 (46 of 1973) ;

(*b*) he had not been detained for any period under the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) :

Provided that where the Central Government has given its approval to the appointment of a person convicted or detained under sub-paragraph (*a*) or sub-paragraph (*b*), as the case may be, no further approval of the Central Government shall be necessary for the subsequent appointment of that person if he had not been so convicted or detained subsequent to such approval ;

(*c*) he has completed the age of thirty years and has not attained the age of sixty-five years or the age of retirement, if any, specified by the company, whichever is earlier ;

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(*d*) he is not a managing or whole-time director or manager in any other company or a managing partner of a firm, or is not in whole-time employment anywhere ;

(*e*) he is a citizen of India and is resident in India ;

(*f*) if the company had suffered loss or had inadequate profits during the financial year immediately preceding the financial year in which the appointment is made (hereinafter referred to as the preceding financial year) or in any of the three financial years in the four financial years immediately preceding the preceding financial year.

PART II

Remuneration

2. *Remuneration.*—Subject to the ceiling limits laid down in Section 198 and Section 309, remuneration by way of salary, commission or both and perquisites shall not exceed the following limits, namely :—

Salary :—Rupees 1,80,000 per annum or rupees 15,000 per month including dearness and all other allowances calculated in the following scale :—

where the effective capital of the Company is—	monthly salary payable shall not exceed—
(*i*) less than 20 lakhs rupees	rupees 6,000
(*ii*) rupees 20 lakhs or more but less than rupees 50 lakhs	rupees 7,500
(*iii*) rupees 50 lakhs or more but less than rupees 1 crore	rupees 9,000
(*iv*) rupees 1 crore or more but less than rupees 3 crores	rupees 11,000
(*v*) rupees 3 crores or more but less than rupees 5 crores	rupees 13,000
(*vi*) rupees 5 crores or more	rupees 15,000

Explanation.—For the purposes of this Part, "effective capital" means the aggregate of the paid-up share capital amount, if any, for the time being standing to the credit of share premium account, reserves and surplus, long-term loans and deposits received, if any, as reduced by the aggregate of any investments, accumulated losses and preliminary expenses, not written off.

Commission :

(*i*) In case commission is also payable along with the salary, it shall not be more than one per cent of the net profits of the company, subject to a ceiling of fifty per cent of the salary or Rs. 90,000 per annum, whichever is less.

(*ii*) Where it is proposed to pay remuneration by way of commission only, such commission shall not exceed the following limits, namely :—

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where the effective capital of the company is—	Commission payable annually shall not exceed—
(*a*) less than 20 lakhs rupees	rupees 1,08,000
(*b*) rupees 20 lakhs or more but less than rupees 50 lakhs	rupees 1,35,000
(*c*) rupees 50 lakhs or more but less than rupees 1 crore	rupees 1,62,000
(*d*) rupees 1 crore or more but less than rupees 3 crores	rupees 1,98,000
(*e*) rupees 3 crores or more but less than rupees 5 crores	rupees 2,34,000
(*f*) rupees 5 crores or more	rupees 2,70,000

Perquisites :

Perquisites may be allowed in addition to salary and/or commission or both. In the case of persons posted at Bombay, Calcutta, Delhi and Madras, perquisites shall be restricted to an amount equal to the annual salary or Rs. 1,35,000 per annum, whichever is less. In the case of persons posted at other places, perquisites shall be restricted to an amount equal to the annual salary or Rs. 1,15,000 per annum, whichever is less. Unless the context otherwise requires, perquisites are classified into three categories 'A', 'B' and 'C' as follows :

Category—A

This will comprise house rent allowance, leave travel concession, medical reimbursement, fees on clubs and personal accident insurance. These may be provided for as under :—

(*i*) *Housing I.*—The expenditure by companies on hiring unfurnished accommodation for the appointee will be subject to the following ceilings :—

(*a*) *Bombay, Calcutta, Delhi and Madras* :

Sixty per cent of the salary over and above ten per cent payable by the appointee.

(*b*) *other places* :

Fifty per cent of the salary, over and above ten per cent payable by the appointee.

Housing II.—In case the accommodation is owned by the company, ten per cent of the salary of the appointee shall be deducted by the company.

Housing III.—In case no accommodation is provided by the company, the appointee shall be entitled to house rent allowance subject to the ceilings laid down in Housing I.

Explanation.—The expenditure incurred by companies on gas, electricity, water and furnishings shall be valued as per the Income-tax Rules, 1962. This shall, however, be subject

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to a ceiling of ten per cent of the salary of the person proposed to be appointed.

(*ii*) *Medical reimbursement.*—Expenses incurred for the person to be appointed and the family subject to a ceiling of one month's salary in a year or three months' salary over a period of three years.

(*iii*) *Leave Travel Concession.*—For the person proposed to be appointed and his family, once in a year incurred in accordance with any rules specified by the company.

(*iv*) *Club fees.*—Fees of clubs subject to a maximum of two clubs. This will not include admission and life membership fees.

(*v*) *Personal Accident Insurance.*—Premium not to exceed Rs. 1,000 per annum.

Explanation.—For the purposes of Category-A, "family" means the spouse, the dependant children and dependant parents of the appointee.

Category—B

Contribution to provident fund, superannuation fund or annuity fund will not be included in the computation of the ceiling on perquisites to the extent these either singly or put together are not taxable under the Income-tax Act. Gratuity payable should not exceed half a month's salary for each completed year of service, subject to a ceiling of rupees 1,00,000.

Category—C

Provision of car for use on company's business and telephone at residence will not be considered as perquisites. Personal long distance calls on telephone and use of car for private purpose shall be billed by the company to the individual appointee concerned.

PART III

Provisions applicable to Parts I and II of this Schedule

1. The appointment and remuneration referred to in Parts I and II of this Schedule shall be subject to approval by a resolution of the shareholders in general meeting.

2. The resolution referred to in paragraph 1 shall, in the event of loss or inadequacy of profits, provide for a cut of ten per cent of the salary proposed to be paid under Part II of this Schedule.

3. The auditor or the secretary of the company or where the company has not appointed a secretary, a secretary in whole-time practice shall certify that the requirements of this Schedule have been complied with and such certificate shall be incorporated in the return filed with the Registrar under sub-section (2) of Section 269.

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SCHEDULE XIV

(*See* Section 205 and 350)

Rates of depreciation

Nature of asests	Single Shift		Double Shift		Triple Shift	
	W.D.V. %	S.L.M. %	W.D.V. %	S.L.M %	W.D.V. %	S.L.M. %
1	2	3	4	5	6	7
I. (*a*) Buildings (other than factory buildings) NESD. .	5	1.63	..	..	..	..
(*b*) Factory Buildings . . .	10	3.34	..	..	..	..
(*c*) Purely temporary erections such as wooden structures .	100	100	..	..	..	..
II. Plant and Machinery						
(*i*) General rate applicable to plant and machinery (not being a ship) for which no special rate has been prescribed under (*ii*) below	15	5.15	22.5	8.09	30	11.31
(*ii*) Special rates						
A. 1. Cinematograph films—Machinery used in the production and exhibition of cinematograph films [N.E.S.D.]—						
(*a*) Recording equipment, reproducing equipment, developing machines, printing machines, editing machines, synchronisers and studio lights except bulbs						
(*b*) Projecting equipment of film exhibiting concerns						
2. Cycles [N.E S.D.]	20	7.07	..	..	..	..
3. Electrical machinery—Batteries; X-Ray and electro-therapeutic apparatus and accessories thereto [N.E.S.D.]						
4. Juice boiling pans (karhais) [N.E.S.D.]						
5. Motor-cars, motor cycles, scooters and other mopeds [N.E.S.D.]						
6. Electrically operated vehicles including battery powered						

W.D.V. : means Written Down Value.
S.L.M. : means Straight Line Method.

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1	2	3	4	5	6	7
or fuel call powered vehicles [N.E.S.D.]						
7. Sugarcane crushers (indigenous kolhus and belans) [N.E.S.D.] . . .						
8. Glass manufacturing concerns except direct fire glass melting furances—Recuperative and regenerative glass melting furnances	20	7.07	30	11.31	40	16.21
9. Machinery used in the manufacture of electronic goods or components						
B. 1. Aeroplanes—Aircraft, aerial photographic apparatus [N.E.S.D.]						
2. Concrete pipes manufacture—Moulds [N.E.S.D.]						
3. Drum container manufacture—Dies [N.E.S.D.]						
4. Earth-moving machinery employed in heavy construction works, such as dams, tunnels, canals, etc. (N.E.S.D.)						
5. Glass manufacturing concerns except direct fire glass melting furnaces—Moulds (N.E.S.D.)						
6. Moulds in iron foundries (N.E.S.D.)	30	11.31	..	..	..	..
7. Mineral oil concerns—Field operations (above ground)—Portable boilers, drilling tools, well-head tanks, rigs, etc. (N.E S.D.)						
8. Mines and quarries—Portable underground machinery and earth-moving machinery used in open cast mining (N.E.S.D.)						
9. Motor buses and motor lorries other than those used in a business of run-						

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1	2	3	4	5	6	7
Cing them on hire (N.E.S.D.) 9-A. Motor tractors, harvesting combines (N.E.S.D.) 10. Patterns, dies and templates (N.E.S.D.) 11. Ropeway structures—Ropeways, ropes and trestle sheaves and connected parts (N.E.S.D.)						
12. Shoe and other leather goods factories — Wooden lasts used in the manufacture of shoes	30	11.31	45	18.96	60	29.05
C. 1. Aeroplanes — Aero-engines (N.E.S.D.) 2. Motor buses, motor lorries and motor taxies used in a business of running them on hire (N.E.S.D.) 3. Rubber and plastic goods factories—Moulds (N.E.S.D.) 4. Data processing machines including computers (N.E.S.D.) 5. Gas cylinders including valves and regulators (N.E.S.D.)	40	16.21	..	..	..	..
D. 1. Artificial silk manufacturing machinery wooden parts 2. Cinematograph films—Bulbs of studio lights 3. Floor mills—Rollers 4. Glass manufacturing concerns—Direct fire glass melting furnaces 5. Iron and Steel industries—Rolling mill rolls 6. Match factories—Wooden match frames 7. Mineral oil concerns—(*a*) Plant used in field operations (below	100	100	..	..	..	..

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1	2	3	4	5	6	7
ground)—Distribution-returnable packages (*b*) Plant used in field operations (below ground) but not including assets used in field operations (distribution)—Kerbside pumps including underground tanks and fittings						
8. Mines and quarries—						
(*a*) Tubs, winding ropes, haulage ropes and sand stowing pipes						
(*b*) Safety lamps						
9. Salt works—Salt pans, reservoirs and condensers, etc., made of earthy, sandy or clay material or any other similar material						
10. Sugar works—Rollers						
III. Furniture and Fittings—						
1. General rates NESD	10	3.34	..	..	..	..
2. Rate for furniture and fittings used in hotels, restaurants and boarding houses; schools, colleges and other educational institutions, libraries; welfare centres; meeting halls, cinema houses; theatres and circuses; and for furniture and fittings let out on hire for use on the occasion of marriages and similar functions NESD	15	5.15	..	..	..	..
IV. Ships—						
1. Ocean-going ships—						
(*i*) Fishing vessels with wooden hull NESD .	27.05	10	..	..	..	..
(*ii*) Dredgers, tugs, barges, survey launches and other similar ships used mainly for dredging purposes NESD .	19.8	7	..	..	..	..
(*iii*) Other ships NESD .	14.6	5	..	..	..	..
2. Vessels ordinarily operating on inland waters—						
(*i*) Speed boats NESD	20	7.07	..	..	..	..
(*ii*) Other vessels NESD	10	3.34	..	..	..	..

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Notes

1. "buildings" include roads, bridges, culverts, wells and tube-wells.

2. "factory buildings" does not include offices, godowns, officers and employees' quarters, roads, bridges, culverts, wells and tube-wells.

3. "speed boat" means a motor boat driven by a high speed internal combustion engine capable of propelling the boat at a speed exceeding 24 kilometres per hour in still water and so designed that when running at a speed it will plane, i.e., its bow will rise from the water.

4. Where, during any financial year, any addition has been made to any asset, or where any asset has been sold, discarded, demolished or destroyed, the depreciation on such assets shall be calculated on a *pro rata* basis from the date of such addition or, as the case may be, up to the date on which such asset has been sold, discarded, demolished or destroyed.

5. The following information should also be disclosed in the accounts:

(*i*) depreciation methods used; and

(*ii*) depreciation rates or the useful lives of the assets, if they are different from the principal rates specified in the Schedule.

6. The calculations of the extra depreciation for double shift working and for triple shift working shall be made separately in the proportion which the number of days for which the concern worked double shift or triple shift, as the case may be, bears to the normal number of working days during the year. For this purpose, the normal number of working days during the year shall be deemed to be—

(*a*) in the case of a seasonal factory or concern, the number of days on which the factory or concern actually worked during the year or 180 days, whichever is greater;

(*b*) in any other case, the number of days on which the factory or concern actually worked during the year or 240 days, whichever is greater.

The extra shift depreciation shall not be charged in respect of any item of machinery or plant which has been specifically, excepted by inscription of the letters "N.E.S.D." (meaning "No Extra Shift Depreciation") against it in sub-items above and also in respect of the following items of machinery and plant to which the general rate of depreciation of 15 per cent applies—

(1) Accounting machines.

(2) Air-conditioning machinery including room air-conditioners.

(3) Building contractor's machinery.

(4) Calculating machines.

(5) Electrical machinery—switchgear and instruments, transformers and other stationary plant and wiring and fitting of electric light and fan installations.

(6) Hydraulic works, pipelines and sluices.

(7) Locomotives, rolling stocks, tramways and railways used by concerns, excluding railway concerns.

(8) Mineral oil concerns—field operations:

(*a*) Boilers.

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(*b*) Prime movers.

(*c*) Process plant.

(*d*) Storage tanks (above ground).

(*e*) Pipelines (above ground).

(*f*) Jetties and dry docks.

(9) Mineral oil concerns—field operations (distribution)—kerbside pumps, including underground tanks and fittings.

(10) Mineral oil concerns—refineries :

(*a*) Boilers.

(*b*) Prime movers.

(*c*) Process plant.

(11) Mines and quarries :

(*a*) Surface and underground machinery (other than electrical machinery and portable underground machinery).

(*b*) Head-gears.

(*c*) Rails.

(*d*) Boilers.

(*e*) Shafts and inclines.

(*f*) Tramways on the surface.

(12) Neo-post franking machines.

(13) Office machinery.

(14) Overhead cables and wires.

(15) Railway sidings.

(16) Refrigeration plant, containers, etc. (other than racks).

(17) Ropeway Structures :

(*a*) Trestle and station steel work.

(*b*) Driving and tension gearing.

(18) Salt works—Reservoirs, condensers, salt pans, delivery channels and piers if constructed of masonry, concrete, cement, asphalt or similar materials; barges and floating plant; piers, quays and jetties; and pipelines for conveying brine if constructed of masonry, concrete, cement, asphalt or similar materials.

(19) Surgical instruments.

(20) Tramways electric and tramways run by internal combustion engines—permanent way : cars—car trucks, car bodies, electrial equipment and motors ; tram cars including engines and gears.

(21) Typewriters.

(22) Weighing machines.

(23) Wireless apparatus and gear, wireless appliances and accessories.

67. Consequential amendments.—The provisions of the principal Act specified in Column 2 of the Table below shall stand amended in the manner specified in the corresponding entries in Column 3 of the said Table.

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TABLE

Sl. No.	Provision	Amendment
1	2	3
1.	Section 43	In the proviso, for the word "Court" at both the places where it occurs, the words "Company Law Board" shall be *substituted*.
2.	Section 49	In sub-section (10), for the word "Court", the words "Company Law Board" shall be *substituted*.
3.	Section 118	(*a*) In sub-section (1),— (*i*) in clause (*a*), for the words "the sum of one rupee" the words "such sum as may be prescribed" shall be *substituted*; (*ii*) in clause (*b*), for the words "six annas", the words "such sum as may be prescribed" shall be *substituted*; (*b*) in sub-section (3) for the word "Court", the words "Company Law Board", shall be *substituted*.
4.	Section 144	(*a*) in sub-section (2), for the words "one rupee", the words "such sum as may be prescribed" shall be *substituted*; (*b*) in sub-section (4), for the word "Court", the words "Company Law Board" shall be *substituted*.
5.	Section 163	(*a*) In sub-section (2), in clause (*b*), for the words "a fee of one rupee", the words "such sum as may be prescribed" shall be *substituted*; (*b*) in sub-section (3), in clause (*b*) for the words "six annas", the words "such sum as may be prescribed" shall be *substituted*; (*c*) in sub-section (6), for the words "Court", the words "Company Law Board" shall be *substituted*.
6.	Section 167	For the words "Central Government", wherever they occur, the words "Company Law Board" shall be *substituted*.
7.	Section 188	In sub-section (5), for the word "Court" at both the place' where it occurs, the words "Company Law Board" shall be *substituted*.
8.	Section 196	(*a*) In sub-section (2) for the words "six annas", the words "such sum as may be prescribed" shall be *substituted*; (*b*) in sub-section (4), for the word "Court", the words "Company Law Board" shall be *substituted*.
9.	Section 225	In the proviso to sub-section (3), for the word "Court" at both the places where it occurs, the words "Company Law Board" shall be *substituted*.

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1		2	3
10	Section 284		In the proviso to sub-section (4), for the word "Court" at both the places where it occurs, the words "Company Law Board" shall be *substituted*.
11.	Section 304		In clause (*b*) of sub-section (2), for the word "Court" the words "Company Law Board" shall be *substituted*.
12.	Section 307		In sub-section (9), for the word "Court", the words "Company Law Board" shall be *substituted*.
13.	Chapter IV-A of Part VI.		For the words "High Court" wherever they occur, the words "Company Law Board" shall be *substituted*.
14.	Chapter VI of Part VI.		In the sub-heading "A Powers of Court" and in Section 397 to 405, for the word "Court" wherever it occurs, the words "Company Law Board" shall be *substituted*.
15.	Section 407	(*a*)	In sub-section (I),—
		(*i*)	in the opening paragraph, the words "of a Court" shall be *omitted*;
		(*ii*)	in clause (*b*), for the word "Court", the words "Company Law Board" shall be *substituted*;
		(*b*)	in sub-section (3), for the words "No court shall grant leave", the words "No leave shall be granted" shall be *substituted*.
16.	Section 409		For the words "Central Government" wherever they occur, the words "Company Law Board" shall be *substituted*.
17.	Section 614		In sub-section (I), for the word "Court", the words "Company Law Board" shall be *substituted*.
18.	Schedule XI		For the word "Court" wherever it occurs, the words "Company Law Board" shall be *substituted*.

68. Transitional provisions.—(1) Any matter or proceeding which, immediately before the commencement of the Companies (Amendment) Act, 1988 was pending before any Court shall, notwithstanding that such matter or proceeding would be heard by the Company Law Board after such commencement, be continued and disposed of by that Court after such commencement in accordance with the provisions of the principal Act as they stood immediately before such commencement.

(2) Any matter or proceeding which, immediately before the commencement of the Companies (Amendment) Act, 1988, was pending before the Company Law Board by virtue of any notification issued by the Central Government shall, unless such matter or proceeding would be heard by the Company Law Board after such commencement, be heard and disposed of by the Central Government.

———

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THE PARSI MARRIAGE AND DIVORCE (AMENDMENT) ACT, 1988[1]

[No. 5 OF 1988]

[*25th March, 1988*]

CONTENTS

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Sections

12. Substitution of new section for Section 38.
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15. Substitution of new section for Section 43.
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17. Amendment of Section 45.
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An Act further to amend the Parsi Marriage and Divorce Act, 1936

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows :

Prefatory Note—Statement of Objects and Reasons.—The law relating to marriage and divorce among Parsis is contained in the Parsi Marriage and Divorce Act, 1936. The Act had not been amended recently in view of the policy of the Government not to effect any changes in the personal laws of any minority community unless the initiative comes from such community. The Board of Trustees of the Parsi Panchayat, Bombay has sent some recommendations to Government in the form of proposals to amend the Act. The Minorities Commission which has considered these proposals has also recommended the proposed amendments. The amendments are mainly aimed at enlarging the scope of some of the provisions of the Act so as to bring them on the lines of the provisions of the Hindu Marriage Act, 1955.

2. The main amendments proposed are as follows :—

(1) To provide that the minimum marriage age in respect of males and females shall be 21 and 18 years, respectively. This is also in accord with the recent amendments made to the Child Marriage Restraint Act, 1929.

(2) To provide that divorce can also be obtained on the ground that the defendant had been incurably of unsound mind for a period of two years or upwards immediately preceding the filing of the suit or has been suffering continuously or intermittently from mental disorder of such a kind and to such an extent that the plaintiff cannot reasonably be expected to live with the defendant. Though this ground is available under the present provision, it is proposed to be made more comprehensive and to define "mental disorder" in the Act itself.

(3) Insertion of 'cruelty' as an additional ground for divorce.

(4) Insertion of a new provision to provide for divorce by mutual consent.

(5) It is proposed to provide that in any matrimonial proceedings under the Act if the plaintiff has no independent income sufficient for her or his support, then the defendant should pay to the plaintiff, monthly or weekly, during the suit, such expenses and sum as the court considers reasonable.

1. Received the assent of the President on March 25, 1988 and published in the Gazette of India, Extra., Part II, Section 1, dated 29th March, 1988, pp. 1-6. [C]

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(6) Provision for payment of permanent alimony and maintenance to the plaintiff having regard to the defendant's own income and other property of the plaintiff and the conduct of the parties and other circumstances which the court may take into consideration.

(7) To provide that all proceedings in a court under the Act shall be conducted *in camera* and it shall not be lawful for any reason to print or publish any part of such proceedings without the previous permission of the court. Contravention of these provisions is proposed to be made punishable with fine which may extend to one thousand rupees.

3. The Bill seeks to achieve the above objects.

1. Short title and commencement.– (1) This Act may be called the Parsi Marriage and Divorce (Amendment) Act, 1988.

(2) It shall come into force on such date† as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of Section 3.—In the Parsi Marriage and Divorce Act, 1936 (3 of 1936) (hereinafter referred to as the Principal Act), Section 3 shall be re-numbered as sub-section (1) thereof, and—

(*a*) in sub-section (1) as so re-numbered, for clause (*c*), the following clause shall be *substituted*, namely :—

"(*c*) in the case of any Parsi (whether such Parsi has changed his or her religion or domicile or not) who, if a male, has not completed twenty-one years of age, and if a female, has not completed eighteen years of age." ;

(*b*) after sub-section (1) as so re-numbered, the following sub-section shall be *inserted*, namely :—

"(2) Notwithstanding that a marriage is invalid under any of the provisions of sub-section (1), any child of such marriage who would have been legitimate if the marriage had been valid, shall be legitimate.".

3. Amendment of Section 6.—In Section 6 of the principal Act, the words, "or their fathers or guardians when they shall not have completed the age of twenty-one years," shall be *omitted*.

4. Amendment of Sections 19 and 20.—In Sections 19 and 20 of the principal Act, for the words "by seven delegates", the following shall be *substituted*, namely,—

"by five delegates, except in regard to—

(*a*) interlocutory applications and proceedings ;

(*b*) alimony and maintenance, both permanent as well as *pendente lite* ;

(*c*) custody, maintenance and education of children and

(*d*) all matters and proceedings other than the regular hearing of cases".

NOTES

Ordinarily, the determination of a civil right by a Civil Court must prevail against a

† April 15, 1988, vide S. O. 381(E), dt. 12-4-1988.

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like decision by the Criminal Court. But, in the instant case, the direction of the Civil Court is not a final determination under the Hindu Adoptions and Maintenance Act, but an order pendente lite, under Section 24, Hindu Marriage Act, and the amount does not include the maintenance for the children. *Ramesh Chander Kaushal* v. *Veena Kaushal*, (1978) 4 SCC 70: 1978 SCC (Cri) 508.

5. **Amendment of Section 25.**—In Section 25 of the principal Act, after the words "being in force", the words "involving moral turpitude" shall be *inserted*.

6. **Amendment of Section 27.**—In the proviso to Section 27 of the principal Act, for the word "three", the word "two" shall be *substituted*.

7. **Amendment of Section 29.**—In Section 29 of the principal Act, in sub-section (1), the words "or where the marriage under this Act was solemnized" shall be *added* at the end.

8. **Amendment of Section 32.**—In Section 32 of the principal Act,—

(*i*) after clause (*b*), the following clause shall be *inserted*, namely,—

'(*bb*) that the defendant has been incurably of unsound mind for a period of two years or upwards immediately preceding the filing of the suit or has been suffering continuously or intermittently from mental disorder of such kind and to such an extent that the plaintiff cannot reasonably be expected to live with the defendant.

Explanation.—In this clause,—

(*a*) the expression "mental disorder" means mental illness, arrested or incomplete development of mind, psychopathic disorder or any other disorder or disability of mind and includes schizophrenia;

(*b*) the expression "psychopathic disorder" means a persistent disorder or disability of mind (whether or not including subnormality of intelligence) which results in abnormally aggressive or seriously irresponsible conduct on the part of the defendant, and whether or not it requires or is susceptible to medical treatment;';

(*ii*) after clause (*d*), the following clause shall be *inserted*, namely,—

"(*dd*) that the defendant has since the solemnization of the marriage treated the plaintiff with cruelty or has behaved in such a way as to render it in the judgment of the Court improper to compel the plaintiff to live with the defendant:

Provided that in every suit for divorce on this ground it shall be in the discretion of the Court whether it should grant a decree for divorce or for judicial separation only;";

(*iii*) in clause (*g*), for the words "three years", the words "two years" shall be *substituted*;

(*iv*) in clause (*h*),—

(1) the words "a decree or order for judicial separation has been passed against the defendant, or" shall be *omitted*;

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(2) for the words "three years", the words "one year" shall be *substituted*;

(*v*) clause (*i*) shall be *omitted*;

(*vi*) in clause (*j*), after the word "Parsi", the words "by conversion to another religion" shall be *inserted*.

NOTES

Mentally ill person.—Section 2(*l*) of the Mental Health Act, 1987 defines "mentally ill person" as follows—

"mentally ill person" means a person who is in need of treatment by reason of any mental disorder other than mental retardation;

Cruelty.—Harm or injury to health, reputation, the working-career or the like, would be an important consideration in determining whether the conduct of the respondent amounts to cruelty. Plainly what must be determined is not whether the petitioner has proved the charge of cruelty having regard to the principles of English law, but whether the petitioner proves that the respondent has treated him with such cruelty as to cause a reasonable apprehension in his mind that it will be harmful or injurious for him to live with the respondent. *Narayan Ganesh Dastane* v. *Sucheta Narayan Dastane*, (1975) 2 SCC 326.

9. **Insertion of new Sections 32-A and 32-B.**—After Section 32 of the principal Act, the following sections shall be *inserted*, namely:—

"32-A. *Non-resumption of cohabitation or restitution of conjugal rights within one year in pursuance of a decree to be ground for divorce.*—(1) Either party to a marriage, whether solemnized before or after the commencement of the Parsi Marriage and Divorce (Amendment) Act, 1988, may sue for divorce also on the ground,—

(*i*) that there has been no resumption of cohabitation as between the parties to the marriage for a period of one year or upwards after the passing of a decree for judicial separation in a proceeding to which they were parties; or

(*ii*) that there has been no restitution of conjugal rights as between the parties to the marriage for a period of one year or upwards after the passing of a decree for restitution of conjugal rights in a proceeding to which they were parties.

(2) No decree for divorce shall be granted under sub-section (1) if the plaintiff has failed or neglected to comply with an order for maintenance passed against him under Section 40 of this Act or Section 488 of the Code of Criminal Procedure, 1898 (5 of 1898) or Section 125 of the Code of Criminal Procedure, 1973 (2 of 1974).

32-B. *Divorce by mutual consent.*—(1) Subject to the provisions of this Act, a suit for divorce may be filed by both the parties to a marriage together, whether such marriage was solemnized before or after the commencement of the Parsi Marriage and Divorce (Amendment) Act, 1988, on the ground that they have been living separately for a period of one year or more, that they have not been able to live together and that they have mutually agreed that the marriage should be dissolved:

Provided that no suit under this sub-section shall be filed unless at the date of the filing of the suit one year has lapsed since the date of the marriage.

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(2) The Court shall, on being satisfied, after hearing the parties and after making such inquiry as it thinks fit, that a marriage has been solemnized under this Act and the averments in the plaint are true and that the consent of either party to the suit was not obtained by force or fraud, pass a decree declaring the marriage to be dissolved with effect from the date of the decree.".

10. Amendment of Section 34.—In Section 34 of the principal Act, the portion beginning with the words ",or on the ground that", and ending with the words "with the defendant" shall be *omitted.*

11. Amendment of Section 35.—In Section 35 of the principal Act, after the figures "32", the figures and letter ", 32-A" shall be *inserted.*

12. Substitution of new section for Section 38.—For Section 38 of the principal Act, the following section shall be *substituted*, namely :—

"38. *Documentary evidence.*—Notwithstanding anything contained in any other law for the time being in force, no document shall be inadmissible in evidence in any proceeding at the trial of a suit under this Act on the ground that it is not duly stamped or registered.".

13. Substitution of new sections for Sections 39 and 40.—For Sections 39 and 40 of the principal Act, the following sections shall be *substituted*, namely :—

"39. *Alimony pendente lite.*—Where in any suit under this Act, it appears to the Court that either the wife or the husband, as the case may be, has no independent income sufficient for her or his support and the necessary expenses of the suit, it may, on the application of the wife or the husband, order the defendant to pay to the plaintiff, the expenses of the suit, and such weekly or monthly sum, during the suit, as, having regard to the plaintiff's own income and the income of the defendant, it may seem to the Court to be reasonable.

40. *Permanent alimony and maintenance.*—(1) Any Court exercising jurisdiction under this Act may, at the time of passing any decree or at any time subsequent thereto, on an application made to it for the purpose by either the wife or the husband, order that the defendant shall pay to the plaintiff for her or his maintenance and support, such gross sum or such monthly or periodical sum, for a term not exceeding the life of the plaintiff as having regard to the defendant's own income and other property, if any, the income and other property of the plaintiff, the conduct of the parties and other circumstances of the case, it may seem to the Court to be just, and any such payment may be secured, if necessary, by a charge on the movable or immovable property of the defendant.

(2) The Court if it is satisfied that there is change in the circumstances of either party at any time after it has made an order under subsection (1), it may, at the instance of either party, vary, modify or rescind any such order in such manner as the Court may deem just.

(3) The Court if it is satisfied that the party in whose favour an order has been made under this section has remarried or, if such party is the wife, that she has not remained chaste, or, if such party is the husband,

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that he had sexual intercourse with any woman outside wedlock, it may, at the instance of the other party, vary, modify or rescind any such order in such manner as the Court may deem just.''.

14. Amendment of Section 41.—In Section 41 of the principal Act,—

(*a*) after the words ''approved by the Court'', the words ''or to a guardian appointed by the Court'' shall be *inserted*;

(*b*) after the words ''a new trustee,'', the words ''or guardian,'' shall be *inserted*.

15. Substitution of new section for Section 43.—For Section 43 of the principal Act, the following section shall be *substituted*, namely :—

''43. *Suits to be heard in camera and may not be printed or published.*— (1) Every suit filed under this Act shall be tried *in camera* and it shall not be lawful for any person to print or publish any matter in relation to any such case except a judgment of the Court printed or published with the previous permission of the Court.

(2) If any person prints or publishes any matter in contravention of the provisions contained in sub-section (1), he shall be punishable with fine which may extend to one thousand rupees.''.

16. Amendment of Section 44.—In Section 44 of the principal Act, for the word ''five'', the word ''three'' shall be *substituted*.

17. Amendment of Section 45.—To Section 45 of the principal Act, the following provisos shall be *added*, namely :—

''Provided that the presiding Judge shall read out to the delegates the relevant sections of this Act, and may, if he considers it necessary so to do, explain the same :

Provided further that a *verbatim* record shall be made of what the presiding Judge reads out or explains to the delegates.''.

18. Amendment of Section 47.—Section 47 of the principal Act shall be re-numbered as sub-section (1) thereof, and after sub-section (1) as so re-numbered, the following sub-section shall be *inserted*, namely :—

''(2) Every appeal under sub-section (1) shall be heard by a Bench of two Judges of the High Court.''.

19. Amendment of Section 48.—In Section 48 of the principal Act,—

(*a*) the word ''hereby'' shall be *omitted*;

(*b*) the words '', as if the prior marriage had been terminated by death'' shall be *omitted*.

20. Amendment of Section 49.—In Section 49 of the principal Act, for the words ''sixteen years'', the words ''eighteen years'' shall be *substituted*.

———

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THE RELIGIOUS INSTITUTIONS (PREVENTION OF MISUSE) ORDINANCE, 1988[1]

[No. 3 OF 1988]

(*Promulgated by the President in the Thirty-ninth Year of the Republic of India*)

CONTENTS

Sections

1. Short title, extent and commencement.
2. Defintions.
3. Prohibition of use of religious institutions for certain purposes.
4. Restrictions on taking out arms and ammunition inside a religious institution.
5. Prohibition of use of funds of religious institutions for certain activities.
6. Prohibition of religious fora for propagating political ideas.
7. Penalties
8. Disqualification of persons charge-sheeted or convicted under this Ordinance.
9. Certain persons bound to give information to police.

An Ordinance to prevent the misuse of religious institutions for political and other purposes

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action ;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 123 of the Constitution, the President is pleased to promulgate the the following Ordinance :—

1. Short title, extent and commencement.—(1) This Ordinance may be called the Religious Institutions (Prevention of Misuse) Ordinance, 1988.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force at once.

2. Definitions.—In this Ordinance, unless the context otherwise requires,—

(*a*) "ammunition" shall have the same meaning as in clause (*b*) of sub-section (1) of Section 2 of the Arms Act, 1959 (54 of 1959) ;

(*b*) "arms" shall have the same meaning as in clause (*c*) of sub-section (1) of Section 2 of the Arms Act, 1959 (54 of 1959) ;

NOTES

"Arms"—A sword is 'arm' within the meaning of Section 2(1)(*c*) of the Arms Act. *Neel Niranjan Majumdar* v. *State of W.B.*, (1972) 2 SCC 668, 671 : 1973 SCC (Cri) 64.

Possession of sword without licence—Notification issued under Arms Act, 1878—Act repealed by Arms Act, 1959—Notification deemed to be enacted under new Act. *Neel Niranjan Majumdar* v. *State of W.B.*, (1972) 2 SCC 668, 671 : 1973 SCC (Cri) 64.

(*c*) "manager", in relation to a religious institution, means every person, including any religious functionary (by whatever name called), who, for the time being, either alone or in association with other persons, administers, manages or otherwise controls the affairs of that institution, its functions or properties ;

1. Promulgated by the President on May 26, 1988 and published in the Gazette of India, Extra , Part II, Section 1, dated 26th May, 1988, pp. 1-4 [W]

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(*d*) "political activity", includes any activity promoting or propagating the aims or objects of a political party or any cause, issue or question of a political nature by organising meetings, demonstrations, processions, collection or disbursement of funds, or by the issue of directions or decrees, or by any other means, and includes such activity by or on behalf of a person seeking election as a candidate for any election to Parliament, any State Legislature or any local authority;

(*e*) "political party" means an association or body of persons,—

(*i*) which is, or is deemed to be, registered with the Election Commission of India as a political party under the Election Symbols (Reservation and Allotment) Order, 1968, as in force for the time being; or

(*ii*) which has set up candidates for election to any legislature, but is not so registered or deemed to be registered under the Election Symbols (Reservation and Allotment) Order, 1968; or

(*iii*) organised to carry on any political activity or to acquire or exercise political power through election or otherwise;

(*f*) "religious institution" means any place or premises used as a place of public religious worship, by whatever name or designation known.

3. **Prohibition of use of religious institutions for certain purposes.**—No religious institution or manager thereof shall use or allow the use of any premises belonging to, or under the control of, the institution,—

(*a*) for the promotion or propagation of any political activity; or

(*b*) for the harbouring of any person accused or convicted of an offence under any law for the time being in force; or

(*c*) for the storing of any arms or ammunition; or

(*d*) for keeping any goods or articles in contravention of any law for the time being in force; or

(*e*) for erecting or putting up any construction or fortification, including basements, bunkers, towers or walls without a valid licence or permission under any law for the time being in force; or

(*f*) for the carrying on of any unlawful or subversive act prohibited under any law for the time being in force or in contravention of any order made by any court; or

(*g*) for the doing of any act which promotes or attempts to promote disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities;

(*h*) for the carrying on of any activity prejudicial to the sovereignty, unity and integrity of India; or

(*i*) for the doing of any act in contravention of the provisions of the Prevention of Insults to National Honour Act, 1971 (61 of 1971).

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NOTES

The question whether a particular person is or continues to be in possession of an arm (in the context of the Act) is, to a substantial extent, one of fact. This question, often resolves into the issue whether that person is or continues to be, at the material time, in physical possession or effective control of that arm. This issue, in turn, is mixed issue of fact and law, depending on proof of specific facts or definite circumstances by the prosecution. *Supdt. and L.R.* v. *Anil Kumar Bhunja*, (1979) 4 SCC 274 : 1979 SCC (Cri) 1038.

4. Restrictions on taking out arms and ammunition inside a religious institution.—No religious institution or manager thereof shall allow the entry of any arms or ammunition or of any person carrying any arms or ammunition into the religious institution :

Provided that nothing in this section shall apply to—

(*a*) the wearing and carrying of a *kirpan* by any person professing the Sikh religion ; or

(*b*) any arms which are used as part of any religious ceremony or ritual of the institution as established by custom or usage.

5. Prohibition of use of funds of religious institutions for certain activities.—No religious institution or manager thereof shall use or allow to be used any funds or other properties belonging to the institution for the benefit of any political party or for the purpose of any political activity or for the commission of any act which is punishable as an offence under any law.

6. Prohibition of religious fora for propagating political ideas.—No religious institution or manager thereof shall allow any ceremony, festival, congregation, procession or assembly organised or held under its auspices to be used for any political activity.

7. Penalties.—Where any religious institution or manager thereof contravenes the provisions of Section 3, Section 4, Section 5 or Section 6, the manager and every person connected with such contravention shall be punishable with imprisonment for a term which may extend to five years and with fine which may extend to ten thousand rupees.

8. Disqualification of persons charge-sheeted or convicted under this Ordinance.—(1) Any manager or other person, being an employee of a religious institution shall, upon conviction for an offence under this Ordinanace stand removed from his office or post and shall, notwithstanding anything to the contray contained in any other law, be disqualified for appointment in any religious institution as manager or in any other capacity for a period of six years from the date of his conviction.

(2) Where any person is accused of an offence under this Ordinance and a charge-sheet for the prosecution of such person is filed in any court and the court is of the opinion, after considering the charge-sheet and after hearing the prosecution and the accused, that a *prima facie* case exists, it shall pass an order or direction restraining the person from exercising the powers or discharging the duties of his office or post pending trial.

(3) Where any manager or other employee has been removed under sub-section (1), or restrained under sub-section (2), the vacancy arising out

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of such removal or restraint may be filled in the manner provided in the law applicable to the said religious institution.

9. **Certain persons bound to give information to police.**—Every manager or employee of a religious institution shall be bound to give information to the officer in charge of the police station within whose local jurisdiction the religious institution is situate, of any contravention or any impending contravention of the provisions of this Ordinance and any failure to do so, shall be punishable under Section 176 of the Indian Penal Code (45 of 1860).

THE NATIONAL SECURITY (AMENDMENT) ORDINANCE, 1988[1]

[No. 4 OF 1988]

(*Promulgated by the President in the Thirty-ninth Year of the Republic of India*)

An Ordinance further to amend the National Security Act, 1980, in its application to the State of Punjab and the Union territory of Chandigarh

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. **Short title and commencement.**—(1) This Ordinance may be called the National Security (Amendment) Ordinance, 1988.

(2) It shall come into force at once.

2. **Amendment of Section 14-A.**—In the National Security Act, 1980 (65 of 1980), as applicable to the State of Punjab and the Union territory of Chandigarh, in sub-section (1) of Section 14-A, for the figures, letters and words "8th day of June 1988", the figures, letters and words "8th day of June 1989" shall be *substituted*.

NOTES

Under Article 123 the Ordinances are limited in life and the Ordinance must be laid before Parliament and the life of the Ordinance may be further shortened. The power under Article 123 relates to policy and to an emergency when immediate action is considered necessary and if an objective test is applied the satisfaction of the President contemplated in Article 123 will be shorn of the power of the President himself and as the President will be acting on the advice of Council of Ministers it may lead to disclosure of facts which under Article 75(4) are not to be disclosed. For these reasons it must be held that the satisfaction of the President is subjective. *Rustom Cavasjee Cooper* v. *Union of India*, (1970) 1 SCC 248, 275, 276, 277, 347, 348, 350: AIR 1970 SC 564: (1970) 1 SCJ 564: (1970) 40 Com Cas 325.

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1. Promulgated by the President on May 26, 1988 and published in the Gazette of India, Extra., Part II, Section 1, dated 26th May, 1988, pp. 1-2 [W]

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THE ILLEGAL MIGRANTS (DETERMINATION BY TRIBUNALS) AMENDMENT ACT, 1988[1]

[No. 24 OF 1988]

[*25th April, 1988*]

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An Act to amend the Illegal Migrants (Determination by Tribunals) Act, 1983

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows :—

Prefatory Note—Statement of Objects and Reasons.—The Illegal Migrants (Determination by Tribunals) Act, 1983 provides for the establishment of Tribunals for the determination, in a fair manner, of the question whether a person is an illegal migrant so as to enable the Central Government to expel illegal migrants from India.

2. Experience gained in the implementation of the Act has brought out the need for some amendments to the Act. This need also finds expression in Clause 5.9 of the Assam Accord.

3. The Bill has been finalised after detailed discussions with the State Government of Assam. The Bill provides, among other things, for the following, namely :—

(*i*) reduction in the number of members of an Illegal Migrants (Determination) Tribunal from three to two;

(*ii*) relaxation of the residence restriction and reduction of fee in case of private complaints;

(*iii*) enabling any person living beyond the limits of the same police station to make an application to the Central Government for reference to a Tribunal;

(*iv*) reduction in the minimum number of members of an Appellate Tribunal from three to two;

(*v*) omission of the existing provision relating to revision by High Court in view of the powers of the High Court under Articles 226 and 227 of the Constitution;

(*vi*) conferment of the powers on the Appellate Tribunal to exercise superintendence over all the Determination Tribunals in a State;

(*vii*) empowering a police officer not below the rank of a Superintendent of Police to bind certain persons;

(*viii*) providing for a minimum punishment for offences under the Act.

4. The Bill seeks to achieve the above objects.

1. **Short title.**—This Act may be called the Illegal Migrants (Determination by Tribunals) Amendment Act, 1988.

2. **Amendment of Section 5.**—In Section 5 of the Illegal Migrants (Determination by Tribunals) Act, 1983 (39 of 1983) (hereinafter referred to as the principal Act), in sub-section (3), for the words "three members", the words "two members" shall be *substituted*.

1. Received the assent of the President on April 25, 1988 and published in the Gazette of India, Extra., Part II, Section 1, dated 25th April, 1988, pp. 1-6. [C]

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3. Amendment of Section 6.—In Section 6 of the principal Act, for the words "any other member", the words "the member" shall be *substituted*.

4. Amendment of Section 8.—In Section 8 of the principal Act,—

(*a*) in sub-section (2),—

(*i*) the words, brackets and figure "Without prejudice to the power conferred on the Central Government by sub-section (1)," shall be *omitted*;

(*ii*) for the proviso, the following proviso shall be *substituted*, namely :—

"Provided that no such application shall be entertained by the Tribunal unless the person in relation to whom the application is made is found, or resides, within the jurisdiction of the same police station wherein the applicant has his place of residence.";

(*b*) in sub-section (3),—

(*i*) for the words "two persons residing within three kilometres of the area", the words "two persons residing within the jurisdiction of the same police station" shall be *substituted*;

(*ii*) for the word "twenty-five", the word "ten" shall be *substituted*;

(*c*) for sub-section (4), the following sub-sections shall be *substituted*, namely :—

"(4) Every reference under sub-section (1) shall be made to the Tribunal within the territorial limits of whose jurisdiction the place of residence of the person named in such reference is, at the time of making such reference, situated :

Provided that where such person has no place of residence, the reference shall be made to the Tribunal within the territorial limits of whose jurisdiction such person is, at the time of making such reference, found.

(5) Every application under sub-section (2) shall be made to the Tribunal within the territorial limits of whose jurisdiction the person named in such application is found or, as the case may be, has his place of residence, at the time of making such application.".

5. Insertion of new Section 8-A.—After Section 8 of the principal Act, the following section shall be *inserted*, namely :—

"8-A. *Application to the Central Government for reference.*—(1) Any person may make an application to the Central Government, for decision by a Tribunal, as to whether the person whose name and other particulars are given in the application, is or is not an illegal migrant, and where any such application is received by the Central Government, it may, on the basis of any information in its possession or after making such inquiry as it deems fit, reject the application on the ground that the application is frivolous or vexatious or it does not comply with the requirements of this section or refer such application to a Tribunal for decision.

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(2) Every application made under sub-section (1) shall be made in such form and in such manner as may be prescribed and shall be accompanied by a declaration by another person residing within the jurisdiction of the same revenue sub-division in which the applicant resides in such form as may be prescribed to the effect that the particulars mentioned in the application are true to his knowledge, information and belief:

Provided that no person shall make more than ten such applications or more than ten such declarations.

(3) Every reference under sub-section (1) shall be made to the Tribunal within the territorial limits of whose jurisdiction the place of residence of the person named in such reference is, at the time of making such reference, situated:

Provided that where such person has no place of residence, the reference shall be made to the Tribunal within the territorial limits of whose jurisdiction such person is, at the time of making such reference, found.".

6. **Amendment of Section 10.**—In Section 10 of the principal Act, for the word and figure "Section 8", the words, figures, brackets and letter "Section 8 or sub-section (1) of Section 8-A" shall be *substituted*.

7. **Amendment of Section 12.**—In Section 12 of the principal Act,—

(*a*) in sub-section (1), for the words and figure "Section 8, or to which an application has been made under that section", the words, figures and letter "Section 8 or Section 8-A, or to which an application has been made under Section 8" shall be *substituted*;

(*b*) for sub-section (2), the following sub-section shall be *substituted*, namely:—

"(2) Where the members of the Tribunal differ in their opinion on any point, the Chairman of the Tribunal shall state the point or points on which they differ and make a reference to the President of the Appellate Tribunal which exercises jurisdiction in relation to the Tribunal who shall refer the case for hearing on such point or points by a member of another Tribunal under its jurisdiction and such point or points shall be decided according to the opinion of that member and such decision shall be deemed to be the decision of the Tribunal.";

(*c*) in sub-section (3), after the words "prescribed authority", the words "or authorities" shall be *inserted*.

8. **Amendment of Section 13.**—In Section 13 of the principal Act, for the words and figure "Section 8 or application made to a Tribunal under that section", the words, figures and letter "Section 8 or Section 8-A or application made to a Tribunal under Section 8" shall be *substituted*.

9. **Amendment of Section 14.**—In Section 14 of the principal Act, after the words "that section", the words, figure and letter "or any person named in a reference under Section 8-A" shall be *inserted*.

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10. Amendment of Section 15.—In Section 15 of the principal Act,—

(*a*) in sub-section (3), for the words "less than three", the words "less than two" shall be *substituted*;

(*b*) in sub-section (6), for the words "and each bench shall consist of not less than two members", the words "which may either be single member benches or benches consisting of not less than two members" shall be *substituted*;

(*c*) for sub-section (10), the following sub-section shall be *substituted*, namely :—

"(10) Every Appellate Tribunal shall have the same powers as are vested in an appellate court under the Code of Civil Procedure, 1908 (5 of 1908), while hearing an appeal.".

11. Amendment of Section 16.—In Section 16 of the Principal Act,—

(*a*) for sub-section (3), the following sub-section shall be *substituted*, namely :—

"(3) The Appellate Tribunal shall send a copy of every order passed by it under sub-section (1) to the parties to the appeal, to the Tribunal concerned and to the prescribed authority or authorities.";

(*b*) in sub-section (4), the words and figures "Subject to the provisions of Section 17," shall be *omitted*.

12. Substitution of new section for Section 17.—For Section 17 of the principal Act, the following section shall be *substituted*, namely :—

"17. *Power of superintendence by Appellate Tribunals.*—(1) Every Appellate Tribunal shall have superintendence over all the Tribunals in the State.

(2) Without prejudice to the generality of the foregoing provisions, the Appellate Tribunal may—

(*a*) call for returns from any Tribunal;

(*b*) make general rules and specify forms for regulating the practice and proceedings of Tribunals; and

(*c*) specify the forms in which books, entries and accounts shall be kept by the officers of Tribunals.".

13. Amendment of Section 20.—Section 20 of the principal Act shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-section shall be *inserted*, namely :—

"(2) Any police officer not below the rank of a Superintendent of Police shall have such powers as may be necessary, including the power to obtain a bond from any person for the due compliance of an order under sub-section (1) and to arrest such person in the event of his failure to furnish such bond to the satisfaction of such police officer.".

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14. Insertion of new Section 21-A.—After Section 21 of the principal Act, the following section shall be *inserted*, namely :—

"21-A. *Power to bind certain persons against whom complaint is made under the Act.*—Notwithstanding anything contained in any other law for the time being in force, it shall be lawful for a police officer not below the rank of a Superintendent of Police, if he is satisfied that the circumstances so require and for reasons to be recorded in writing, to direct any person against whom a reference or an application has been made under this Act to enter into a bond with or without sureties for making himself available for the inquiry and observance of such restrictions or conditions as may be specified by such police officer :

Provided that if such person fails to enter into such bond he may be arrested and detained in such manner as may be prescribed.".

NOTES

A surety bond is a contract and it is a question as to how far its terms can be considered to have been varied by any unilateral Act. Each bond has to be construed on its own terms. But in construing the terms of a surety bond for the production of an accused person, the purpose and object of executing it must be kept in view. Such a bond is executed for the purpose of ensuring the presence of the accused concerned in court in which he is standing his trial for a criminal offence at the hearing of the case. But for the execution of such a bond, the accused would have to remain in custody so that the trial may proceed smoothly. *State of Maharashtra* v. *Dadamiya Babumia Sheikh*, (1972) 3 SCC 85 : 1972 SCC (Cri) 405.

The terms of the surety bond being penal in nature should be very strictly construed—Forfeiture on breach of the very undertaking specified and not any other. *State of Bihar* v. *M. Homi*, (1955) 2 SCR 78.

Before a surety becomes liable to pay amount of the bond forfeited it is necessary to give notice why the amount should not be paid and if he fails to show sufficient cause only then the Court can proceed to recover the money. Where show-cause notice is not given the proceedings are not in accordance with law and should therefore be quashed. *Ghulam Mehdi* v. *State of Rajasthan*, AIR 1960 SC 1185 : 1960 Cri LJ 1527.

15. Amendment of Section 25.—In Section 25 of the principal Act, for the words "shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.", the following shall be *substituted*, namely :—

"shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years and with fine which shall not be less than two thousand rupees :

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than one year or a fine of less than two thousand rupees.".

16. Amendment of Section 28.—In Section 28 of the principal Act, in sub-section (2),—

(*a*) after clause (*a*), the following clause shall be *inserted*, namely :—

"(*aa*) the form and the manner in which an application, and the form in which a declaration, may be made under sub-section (2) of Section 8-A ;" ;

(*b*) for clause (*b*), the following clause shall be *substituted*, namely :—

"(*b*) the authority or authorities to be prescribed under Sections 11, 12 and 16 ;" ;

(*c*) after clause (*c*), the following clause shall be *inserted*, namely :—

"(*ca*) the manner of arrest and detention under the proviso to Section 21-A ;".

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THE SPECIAL PROTECTION GROUP ACT, 1988[1]

[No. 34 OF 1988]

[*2nd June, 1988*]

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An Act to provide for the constitution and regulation of an armed force of the Union for providing proximate security to the Prime Minister of India and the members of his immediate family and for matters connected therewith.

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Special Protection Group Act, 1988.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. **Definitions.**—In this Act, unless the context otherwise requires,—

(*a*) "active duty" in relation to a member of the Group means any duty as such member during the period when he is posted to physically protect the Prime Minister of India and the members of his immediate family, wherever he or they may be ;

(*b*) "Director" means the Director of the Group appointed under sub-section (1) of Section 5 ;

(*c*) "Group" means the Special Protection Group constituted under Section 4 ;

(*d*) "member of the Group" means a person who has been appointed to the Group by the prescribed authority whether before or after the commencement of this Act ;

(*e*) "members of immediate family" means wife, husband, children and parents ;

(*f*) "prescribed" means prescribed by rules made under this Act ;

(*g*) "proximate security" means protection provided from close quarters, during journey by road, rail, aircraft, watercraft or on foot or any other means of transport and shall include the

1. Received the assent of the President on June 2, 1988 and published in the Gazette of India, Extra., Part II, Section 1. [C]

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places of functions, engagements, residence or halt and shall comprise ring round teams, isolation cordons, the sterile zone around, and the rostrum and access control to the person or members of his immediate family;

(*h*) all words and expressions used and not defined in this Act but defined in the Indian Penal Code (45 of 1860) shall have the meanings respectively assigned to them in that Code.

3. Members subject to this Act.—Every member of the Group shall be subject to this Act, wherever he may be.

4. Constitution of the Group.—(1) There shall be an armed force of the Union called the Special Protection Group for providing proximate security to the Prime Minister and the members of his immediate family.

(2) Subject to the provisions of this Act, the Group shall be constituted in such manner as may be prescribed and the terms and conditions of service of the members of the Group shall be such as may be prescribed.

(3) Notwithstanding anything contained in this section, any person or any member of any other armed force of the Union may the appointed to the Group by the Central Government by a general or special order and for such period as may be specified in such order and the person so appointed shall, during the period of his appointment, be deemed to be a member of the Group, and the provisions of this Act shall, so far as may be, apply to such person or member.

5. Control, direction, etc.—(1) The general superintendence, direction and control of the Group shall vest in, and be exercised by, the Central Government and subject thereto and to the provisions of this Act and the rules, the command and supervision of the Group shall vest in an officer to be appointed by the Central Government as the Director of the Group.

(2) The Director shall, in the discharge of his duties under this Act, be assisted by such number of Deputy Directors, Assistant Directors, Joint Assistant Directors and other officers as may be appointed by the Central Government.

6. Liability for service in and outside India.—Every member of the Group shall be liable to serve in any part of India as well as outside India.

7. Members of the Group always on active duty.—Every member of the Group, not on leave or under suspension, shall, for all purposes of this Act, be always on active duty and may at any time be employed or deployed in any manner which is consistent with the duties and responsibilities of the Group under this Act.

8. Resignation and withdrawal from the post.—No member of the Group shall be at liberty—

(*a*) to resign his appointment during the term of his engagement; or

(*b*) to withdraw himself from all or any of the duties of his appointment,

except with the previous permission in writing of the prescribed authority.

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9. **Tenure of service.**—Every member of the Group shall hold office during the pleasure of the President.

10. **Restrictions respecting right to form associations, freedom of speech etc.**—(1) No member of the Group shall, without the previous sanction in writing of the Central Government or of the prescribed authority,—

(*a*) be a member of, or be associated in any way with, any trade union, labour union, political association or with any class of trade unions, labour unions or political associations; or

(*b*) be a member of, or be associated in any way with, any society, institution, association or organisation that is not of a purely social, recreational or religious nature; or

(*c*) communicate with the press or publish or cause to be published any book, letter or other document except where such communication or publication is in the *bona fide* discharge of his duties or is of a purely literary, artistic or scientific character or is of a prescribed nature.

Explanation.—If any question arises as to whether any society, institution, association or organisation is of a purely social, recreational or religious nature under clause (*b*) or whether any book, letter or document is a communication or publication in the *bona fide* discharge of his duties or is of a purely literary, artistic or scientific character or is of a prescribed nature under clause (*c*), the decision of the Central Government thereon shall be final.

(2) No member of the Group shall participate in, or address, any meeting or take part in any demonstration organised by any body of persons for any political purposes or for such other purposes as may be prescribed.

11. **Termination of service.**—The prescribed authority may, by order in writing, terminate the appointment of any member of the Group in the public interest and such termination shall be deemed to be discharge *simpliciter* and shall not amount to dismissal or removal.

12. **Appeal.**—(1) Any member of the Group aggrieved by an order under Section 11 may, within thirty days from the date of such order, prefer an appeal to a Board to be constituted by the Central Government.

(2) The Board shall consist of such persons as may be prescribed.

(3) The decision of the Board shall be final and shall not be called in question in any court or tribunal.

(4) The Board shall have power to regulate its own procedure.

13. **Powers and duties conferable on members of the Group.**—The Central Government may, by general or special order published in the Official Gazette, direct that, subject to such conditions and limitations as may be specified in that order, any member of the Group may exercise or discharge such powers or duties as may be specified in the said order for giving effect to the provisions of this Act.

14. **Assistance to Group.**—It shall be the duty of every Ministry and Department of the Central Government or the State Government or the

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Union territory Administration, every Indian Mission, every local or other authority or every civil or military authority to act in aid of the Director or any member of the Group whenever called upon to do so in furtherance of the duties and responsibilities assigned to such Director or member.

15. Protection of action taken under this Act.—No suit, prosecution or other legal proceeding shall lie against the Group or any member thereof on whom powers have been conferred or duties have been imposed under this Act, or any order issued or any rule made thereunder for anything which is in good faith done or purported to be done or omitted to be done in pursuance of this Act or any order issued or any rule made thereunder or any order issued under any such rule.

NOTES

Good faith.—The term 'good faith' has been defined differently in different enactments. In Section 3(22) of the General Clauses Act, 1897 'good faith' was defined thus: "a thing shall be deemed to be done in 'good faith' where it is in fact done honestly, whether it is done negligently or not". In Section 52 I.P.C., "good faith" is defined thus: "Nothing is said to be done or believed in good faith which is done or believed without due care and attention."

If from the proved facts of a case, it can be inferred that the public official acted honestly though negligently, it must be held that he acted in good faith. *Babulal* v. *Province of Orissa*, AIR 1964 Ori 225.

16. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the manner in which the Group shall be constituted and the terms and conditions of service of its members under sub-section (*c*) of Section 4;

(*b*) the authorities to be prescribed under Section 8, sub-section (1) of Section 10 and Section 11;

(*c*) the nature of the communication or publication under clause (*c*) of sub-section (1) of Section 10;

(*d*) the purposes, other than political purposes, for which a person subject to this Act shall not participate in, or address, any meeting or take part in any demonstration under sub-section (2) of Section 10;

(*e*) the persons who shall be members of the Board under sub-section (2) of Section 12;

(*f*) any other matter which has to be, or may be, prescribed.

17. Laying of orders and rules.—Every order issued under Section 13 and every rule made under Section 16 shall be laid, as soon as may be after it is issued or made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the order or the rule or both Houses agree that the order or rule should not be made, the order or

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rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order or rule.

NOTES

In *Jan Mohammad* v. *State of Gujarat*, AIR 1966 SC 385, the validity of rules framed under the Bombay Act 22 of 1939 was challenged on ground that the rules framed under the Act were not placed before the Legislative Assembly at the first session and therefore they had no legal validity. It was provided in that Act that the rules framed under the Act should be laid before each of the Houses at the Session thereof next following. The Supreme Court held that the rules were valid from the date on which they were made and failure to place the rules before the Houses of Legislature did not affect the validity of the rule.

18. Provision as to existing Special Protection Group.—(1) The Special Protection Group in existence at the commencement of this Act shall be deemed to the Group constituted under this Act.

(2) The members of the Special Protection Group in existence at the commencement of this Act shall be deemed to have been appointed as such under this Act.

(3) Anything done or any action taken before the commencement of this Act in relation to the constitution of the Special Protection Group referred to in sub-section (1) and in relation to any person appointed, shall be as valid and as effective in law as if such thing or action was done or taken under this Act.

THE CUSTOMS AND CENTRAL EXCISES LAWS (AMENDMENT) ACT, 1988[1]

[No. 29 OF 1988]

[*18th May, 1988*]

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An Act further to amend the Customs Act, 1962, the Central Excises and Salt Act, 1944 and the Customs and Excise Revenues Appellate Tribunal Act, 1986

1. Received the assent of the President on May 18, 1988 and published in the Gazette of India, Extra., Part II, Section 1, dated 19th May, 1988, pp. 1-12 [C][P]

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Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows :—

CHAPTER I

Preliminary

1. Short title and commencement.—(1) This Act may be called the Customs and Central Excises Laws (Amendment) Act, 1988.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint :

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

NOTES

No tax or duty can be levied or collected except by authority of law. Hence no customs duty was leviable on the basis of any administrative instruction. Every levy of customs duty or any other tax must be sanctioned by law. *Harivansh Lal Mehra* v. *State of Maharashtra*, (1971) 2 SCC 54, 56 : 1971 SCC (Cri) 413.

Section 12 of the Central Excise and Salt Act did not bodily lift, as it were, certain provisions of the Sea Customs Act. It only empowered the Central Government to apply the provisions of the Sea Customs Act, with such modifications and alterations as might be considered necessary or desirable by the Central Government for the purpose of implementation and enforcement of S. 3 of the Act. The provisions of the Sea Customs Act, 1878 were not meant to be incorporated in the Act and were to be applicable to the extent notified by the Central Government for the purpose of duty leviable under S. 3 of the said Excise Act. *New General Jute Mills Co. Ltd.* v. *Asstt. Collector of Central Excise, Allahabad*, (1970) 2 SCC 820.

CHAPTER II

Amendments to the Customs Act, 1962

2. Amendment of Section 3.—In Section 3 of the Customs Act, 1962 (52 of 1962), (hereafter in this Chapter referred to as the Customs Act clause (*a*) shall be re-lettered as clause (*aa*), and before clause (*aa*) as so re-lettered, the following clause shall be *inserted*, namely :—

"(*a*) Principal Collectors of Customs ;".

3. Amendment of Section 28-A.—Section 28-A of the Customs Act shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-section shall be *inserted*, namely :—

"(2) Where any notification under sub-section (1) in respect of any goods has been issued, the whole of the duty paid on such goods, or, as the case may be, the duty paid in excess of that payable on such goods, which would not have been paid if the said notification had been in force, shall be refunded in accordance with the said notification :

Provided that the person claiming the refund of such duty or, as the case may be, excess duty, makes an application in this behalf to the Assistant Collector of Customs before the expiry of six months from the date of issue of the said notification and proves to the satisfaction of the Assistant Collector of Customs that the incidence of such duty had not been passed on to any other person.".

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4. Amendment of Section 129-D.—In Section 129-D of the Customs Act, after sub-section (4), the following sub-section shall be *inserted*, namely :—

"(5) The provisions of this section shall not apply to any decision or order in which the determination of any question having a relation to the rate of duty or to the value of goods for the purposes of assessment of any duty is in issue or is one of the points in issue.

Explanation.—For the purposes of this sub-section, the determination of a rate of duty in relation to any goods or valuation of any goods for the purposes of assessment of duty includes the determination of a question—

(*a*) relating to the rate of duty for the time being in force, whether under the Customs Tariff Act, 1975 (51 of 1975), or under any other Central Act providing for the levy and collection of any duty of customs, in relation to any goods on or after the 28th day of February, 1986 ; or

(*b*) relating to the value of goods for the purposes of assessment of any duty in cases where the assessment is made on or after the 28th day of February, 1986 ; or

(*c*) whether any goods fall under a particular heading or sub-heading of the First Schedule or the Second Schedule to the Customs Tariff Act, 1975 (51 of 1975), or that any goods are or not covered by a particular notification or order issued by the Central Government granting total or partial exemption from duty ; or

(*d*) whether the value of any goods for the purposes of assessment of duty shall be enhanced or reduced by the addition or reduction of the amounts in respect of such matters as are specifically provided in this Act.".

5. Insertion of new Section 129-DA.—After Section 129-D of the Customs Act, the following section shall be *inserted*, namely :—

"*129-DA. Powers of revision of Board or Collector of Customs in certain cases.*—(1) The Board may, of its own motion or on the application of any aggrieved person or otherwise, call for and examine the record of any proceeding in which a Collector of Customs has passed any decision or order [not being a decision or order passed under sub-section (2) of this section] of the nature referred to in sub-section (5) of Section 129-D for the purpose of satisfying itself as to the correctness, legality or propriety or such decision or order and may pass such order thereon as it thinks fit.

(2) The Collector of Customs may, of his own motion or on the application of any aggrieved person or otherwise, call for and examine the record of any proceeding in which an adjudicating authority subordinate to him has passed any decision or order of the nature referred to in sub-section (5) of Section 129-D for the purpose of satisfying himself as to the correctness, legality or propriety of such decision or order and may pass such order thereon as he thinks fit.

(3) (*a*) No decision or order under this section shall be made so as to prejudicially affect any person unless such person is given a reasonable opportunity of making representation and if, he so desires, of being heard in his defence.

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(*b*) Where the Board or, as the case may be, the Collector of Customs is of the opinion that any duty has not been levied or has been short-levied or short-paid or erroneously refunded, no order requiring the affected person to pay any duty not levied or paid, short-levied or short-paid or erroneously refunded shall be passed under this section unless such person is given notice within the time limit specified in Section 28 to show cause against the proposed order.

(4) No proceedings shall be initiated under sub-section (1) or sub-section (2) in respect of any decision or order after the expiry of a period of six months from the date of communication of such decision or order :

Provided that in respect of any decision or order passed before the commencement of the Customs and Central Excises Laws (Amendment) Act, 1987, the provisions of this sub-section shall have effect as if for the words "six months", the words "one year" were substituted.

(5) Any person aggrieved by any decision or order passed under sub-section (1) or sub-section (2) may appeal to the Customs and Excise Revenues Appellate Tribunal established under Section 3 of the Customs and Excise Revenues Appellate Tribunal Act, 1986 (62 of 1986), against such decision or order.".

6. Insertion of new Section 138-C.—After Section 138-B of the Customs Act, the following section shall be *inserted*, namely :—

"*138-C. Admissibility of micro films, facsimile copies of documents and computer print outs as documents and as evidence.*—(1) Notwithstanding anything contained in any other law for the time being in force,—

(*a*) a micro film of a document or the reproduction of the image or images embodied in such micro film (whether enlarged or not) ; or

(*b*) a facsimile copy of a document ; or

(*c*) a statement contained in a document and included in a printed material produced by a computer (hereinafter referred to as a "computer print out"), if the conditions mentioned in sub-section (2) and the other provisions contained in this section are satisfied in relation to the statement and the computer in question,

shall be deemed to be also a document for the purposes of this Act and the rules made thereunder and shall be admissible in any proceedings thereunder, without further proof or production of the original, as evidence of any contents of the original or of any fact stated therein of which direct evidence would be admissible.

(2) The conditions referred to in sub-section (1) in respect of a computer print out shall be the following, namely :—

(*a*) the computer print out containing the statement was produced by the computer during the period over which the computer was used regularly to store or process information for the purposes of any activities regularly carried on over that period by the person having lawful control over the use of the computer ;

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(*b*) during the said period, there was regularly supplied to the computer in the ordinary course of the said activities, information of the kind contained in the statement or of the kind from which the information so contained is derived;

(*c*) throughout the material part of the said period, the computer was operating properly or, if not, then any respect in which it was not operating properly or was out of operation during that part of that period was not such as to affect the production of the document or the accuracy of the contents; and

(*d*) the information contained in the statement reproduces or is derived from information supplied to the computer in the ordinary course of the said activities.

(3) Where over any period, the function of storing or processing information for the purposes of any activities regularly carried on over that period as mentioned in clause (*a*) of sub-section (2) was regularly performed by computers, whether—

(*a*) by a combination of computers operating over that period; or

(*b*) by different computers operating in succession over that period; or

(*c*) by different combinations of computers operating in succession over that period; or

(*d*) in any other manner involving the successive operation over that period, in whatever order, of one or more computers and one or more combinations of computers,

all the computers used for that purpose during that period shall be treated for the purposes of this section as constituting a single computer; and references in this section to a computer shall be construed accordingly.

(4) In any proceedings under this Act and the rules made thereunder where it is desired to give a statement in evidence by virtue of this section, a certificate doing any of the following things, that is to say,—

(*a*) identifying the document containing the statement and describing the manner in which it was produced;

(*b*) giving such particulars of any device involved in the production of that document as may be appropriate for the purpose of showing that the document was produced by a computer;

(*c*) dealing with any of the matters to which the conditions mentioned in sub-section (2) relate,

and purporting to be signed by a person occupying a responsible official position in relation to the operation of the relevant device or the management of the relevant activities (whichever is appropriate) shall be evidence of any matter stated in the certificate; and for the purposes of this sub-section it shall be sufficient for a matter to be stated to the best of the knowledge and belief of the person stating it.

(5) For the purposes of this section,—

(*a*) information shall be taken to be supplied to a computer if it is supplied thereto in any appropriate form and

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whether it is so supplied directly or (with or without human intervention) by means of any appropriate equipment;

(*b*) whether in the course of activities carried on by any official, information is supplied with a view to its being stored or processed for the purposes of those activities by a computer operated otherwise than in the course of those activities, that information, if duly supplied to that computer, shall be taken to be supplied to it in the course of those activities;

(*c*) a document shall be taken to have been produced by a computer whether it was produced by it directly or (with or without human intervention) by means of any appropriate equipment.

Explanation.—For the purposes of this section,—

(*a*) "computer" means any device that receives, stores and processes data, applying stipulated processes to the information and supplying results of these processes; and

(*b*) any reference to information being derived from other information shall be a reference to its being derived therefrom by calculation, comparison or any other process.".

7. **Amendment of Section 152**.—In Section 152 of the Customs Act, in clause (*a*), for the words "a Collector of Customs", the words "a Principal Collector of Customs or a Collector of Customs" shall be *substituted*.

8. **Amendment of Section 159**.—In Section 159 of the Customs Act, after the figures "25,", the figures and letter "28-A," shall be *inserted*.

CHAPTER III

Amendments to the Central Excises and Salt Act, 1944

9. **Insertion of new Section 5-A**.—After Section 5 of the Central Excises and Salt Act, 1944 (1 of 1944) (hereafter in this Chapter referred to as the Central Excises Act), the following section shall be *inserted*, namely:—

"*5-A. Power to grant exemption from duty of excise*.—(1) If the Central Government is satisfied that it is necessary in the public interest so to do, it may, by notification in the Official Gazette, exempt generally either absolutely or subject to such conditions (to be fulfilled before or after removal) as may be specified in the notification, excisable goods of any specified description from the whole or any part of the duty of excise leviable thereon:

Provided that, unless specifically provided in such notification, no exemption therein shall apply to excisable goods which are produced or manufactured—

(*i*) in a free trade zone and brought to any other place in India; or

(*ii*) by a hundred per cent export-oriented undertaking and allowed to be sold in India.

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Explanation.—In this proviso, "free trade zone" and "hundred per cent export-oriented undertaking" shall have the same meanings as in *Explanation* 2 to sub-section (1) of Section 3.

(2) If the Central Government is satisfied that it is necessary in the public interest so to do, it may, by special order in each case, exempt from the payment of duty of excise, under circumstances of an exceptional nature to be stated in such order, any excisable goods on which duty of excise is leviable.

(3) An exemption under sub-section (1) or sub-section (2) in respect of any excisable goods from any part of the duty of excise leviable thereon (the duty of excise leviable thereon being hereinafter referred to as the statutory duty) may be granted by providing for the levy of a duty on such goods at a rate expressed in a form or method different from the form or method in which the statutory duty is leviable and any exemption granted in relation to any excisable goods in the manner provided in this sub-section shall have effect subject to the condition that the duty of excise chargeable on such goods shall in no case exceed the statutory duty.

Explanation.—"Form or method", in relation to a rate of duty of excise means the basis, namely, valuation, weight, number, length, area, volume or other measure with reference to which the duty is leviable.

(4) Every notification issued under sub-rule (1), and every order made under sub-rule (2), of Rule 8 of the Central Excise Rules, 1944, and in force immediately before the commencement of the Customs and Central Excises Laws (Amendment) Act, 1987 shall be deemed to have been issued or made under the provisions of this section and shall continue to have the same force and effect after such commencement until it is amended, varied, rescinded or superseded under the provisions of this section.".

10. Amendment of Section 11-C.—Section 11-C of the Central Excises Act shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-section shall be *inserted*, namely :—

"(2) Where any notification under sub-section (1) in respect of any goods has been issued, the whole of the duty of excise paid on such goods, or, as the case may be, the duty of excise paid in excess of that payable on such goods, which would not have been paid if the said notification had been in force, shall be refunded in accordance with the said notification :

Provided that the person claiming the refund of such duty or, as the case may be, excess duty, makes an application in this behalf to the Assistant Collector of Central Excise before the expiry of six months from the date of issue of the said notification and proves to the satisfaction of the Assistant Collector of Central Excise that the incidence of such duty had not been passed on to any other person.".

11. Amendment of Section 35-E.—In Section 35-E of the Central Excises Act, after sub-section (4), the following sub-section shall be *inserted*, namely :—

"(5) The provisions of this section shall not apply to any decision or order in which the determination of any question having a relation

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to the rate of duty of excise or to the value of goods for the purposes of assessment of any duty is in issue or is one of the points in issue.

Explanation.—For the purposes of this sub-section, the determination of a rate of duty in relation to any goods or valuation of any goods for the purposes of assessment of duty includes the determination of a question—

(*a*) relating to the rate of duty of excise for the time being in force, whether under the Central Excise Tariff Act, 1985 (5 of 1986), or under any other Central Act providing for the levy and collection of any duty of excise, in relation to any goods on or after the 28th day of February, 1986 ; or

(*b*) relating to the value of goods for the purposes of assessment of any duty of excise in cases where the assessment is made on or after the 28th day of February, 1986 ; or

(*c*) whether any goods are excisable goods or whether the rate of duty of excise on any goods is *nil* ; or

(*d*) whether any goods fall under a particular heading or sub-heading of the Schedule to the Central Excise Tariff Act, 1985 (5 of 1986), or the Additional Duties of Excise (Goods of Special Importance) Act, 1957 (58 of 1957), or the Additional Duties of Excise (Textiles and Textile Articles) Act, 1978 (40 of 1978), or that any goods are or not covered by a particular notification or order issued by the Central Government or the Board, as the case may be, granting total or partial exemption from duty ; or

(*e*) whether the value of any goods for the purposes of assessment of duty of excise shall be enhanced or reduced by the addition or reduction of the amounts in respect of such matters as are specifically provided in this Act.".

12. Insertion of new Section 35-EA.—After Section 35-E of the Central Excises Act, the following section shall be *inserted*, namely :—

"*35-EA. Powers of revision of Board or Collector of Central Excise in certain cases.*—(1) The Board may, of its own motion or on the application of any aggrieved person or otherwise, call for and examine the record of any proceeding in which a Collector of Central Excise has passed any decision or order [not being a decision or order passed under sub-section (2) of this section] of the nature referred to in sub-section (5) of Section 35-E for the purpose of satisfying itself as to correctness, legality or propriety of such decision or order and may pass such order thereon as it thinks fit.

(2) The Collector of Central Excise may, of his own motion or on the application of any aggrieved person or otherwise, call for and examine the record of any proceeding in which an adjudicating authority subordinate to him has passed any decision or order of the nature referred to in sub-section (5) of Section 35-E for the purpose of satisfying himself as to the correctness, legality or propriety of such decision or order and may pass such order thereon as he thinks fit.

(3) (*a*) No decision or order under this section shall be made so as to prejudicially affect any person unless such person is given a reasonable opportunity of making representation and if, he so desires, of being heard in his defence.

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(*b*) Where the Board or, as the case may be, the Collector of Central Excise is of the opinion that any duty of excise has not been levied or has been short-levied or short-paid or erroneously refunded, no order requiring the affected person to pay any duty not levied or paid, short-levied or short-paid or erroneously refunded shall be passed under this section unless such person is given notice within the time limit specified in Section 11-A to show cause against the proposed order.

(4) No proceedings shall be initiated under sub-section (1) or sub-section (2) in respect of any decision or order after the expiry of a period of six months from the date of communication of such decision or order :

Provided that in respect of any decision or order passed before the commencement of the Customs and Central Excises Laws (Amendment) Act, 1987, the provisions of this sub-section shall have effect as if for the words "six months", the words "one year" were *substituted*.

(5) Any person aggrieved by any decision or order passed under sub-section (1) or sub-section (2) may appeal to the Customs and Excise Revenues Appellate Tribunal established under Section 3 of the Customs and Excise Revenues Appellate Tribunal Act, 1986 (62 of 1986), against such decision or order.".

NOTES

The existence of a remedy by way of revision does not bar the jurisdiction of the High Court to entertain a petition under Art. 226. Moreover, the petitioner had alleged that the Collector had no jurisdiction to demand the deposit or duty pending the appeals as the notification dated May 4, 1963, was bad in so far as it applied S. 129 of the Customs Act. In these circumstances it was not necessary for the petitioner to have filed revisions.

Section 35 of the Excise Act gave a right of appeal, but S. 129 of the Customs Act whittles down the substantive right of appeal and accordingly it cannot be regarded as 'procedure relating to appeals' within S. 12 of the Excise Act. *Collector of Customs & Excise* v. *A.S. Bava*, (1968) 1 SCR 82 : AIR 1968 SC 13, 15, 16.

13. **Insertion of new Section 36-B.**—In Chapter VI-B of the Central Excises Act, after Section 36-A, the following section shall be *inserted*, namely :—

"*36-B. Admissibility of micro films, facsimile copies of documents and computer print outs as documents and as evidence.*—(1) Notwithstanding anything contained in any other law for the time being in force,—

(*a*) a micro film of a document or the reproduction of the image or images embodied in such micro film (whether enlarged or not) ; or

(*b*) a facsimile copy of a document ; or

(*c*) a statement contained in a document and included in a printed material produced by a computer (hereinafter referred to as a "computer print out"), if the conditions mentioned in sub-section (2) and the other provisions contained in this section are satisfied in relation to the statement and the computer in question,

shall be deemed to be also a document for the purposes of this Act and the rules made thereunder and shall be admissible in any proceedings thereunder, without further proof or production of the original, as evidence of any contents of the original or of any fact stated therein of which direct evidence would be admissible.

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(2) The conditions referred to in sub-section (1) in respect of a computer print out shall be the following, namely :—

(*a*) the computer print out containing the statement was produced by the computer during the period over which the computer was used regularly to store or process information for the purposes of any activities regularly carried on over that period by the person having lawful control over the use of the computer ;

(*b*) during the said period, there was regularly supplied to the computer in the ordinary course of the said activities, information of the kind contained in the statement or of the kind from which the information so contained is derived ;

(*c*) throughout the material part of the said period, the computer was operating properly or, if not, then any respect in which it was not operating properly or was out of operation during that part of that period was not such as to affect the production of the document or the accuracy of the contents ; and

(*d*) the information contained in the statement reproduces or is derived from information supplied to the computer in the ordinary course of the said activities.

(3) Where over any period, the function of storing or processing information for the purposes of any activities regularly carried on over that period as mentioned in clause (*a*) of sub-section (2) was regularly performed by computers, whether—

(*a*) by a combination of computers operating over that period ; or

(*b*) by different computers operating in succession over that period ; or

(*c*) by different combinations of computers operating in succession over that period ; or

(*d*) in any other manner involving the successive operation over that period, in whatever order, of one or more computers and one or more combinations of computers,

all the computers used for that purpose during that period shall be treated for the purposes of this section as constituting a single computer ; and references in this section to a computer shall be construed accordingly.

(4) In any proceedings under this Act and the rules made thereunder where it is desired to give a statement in evidence by virtue of this section, a certificate doing any of the following things, that is to say,—

(*a*) identifying the document containing the statement and describing the manner in which it was produced ;

(*b*) giving such particulars of any device involved in the production of that document as may be appropriate for the purpose of showing that the document was produced by a computer ;

(*c*) dealing with any of the matters to which the conditions mentioned in sub-section (2) relate,

and purporting to be signed by a person occupying a responsible official position in relation to the operation of the relevant device or the

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management of the relevant activities (whichever is appropriate) shall be evidence of any matter stated in the certificate; and for the purposes of this sub-section it shall be sufficient for a matter to be stated to the best of the knowledge and belief of the person stating it.

(5) For the purposes of this section,—

(*a*) information shall be taken to be supplied to a computer if it is supplied thereto in any appropriate form and whether it is so supplied directly or (with or without human intervention) by means of any appropriate equipment;

(*b*) whether in the course of activities carried on by any official, information is supplied with a view to its being stored or processed for the purposes of those activities by a computer operated otherwise than in the course of those activities, that information, if duly supplied to that computer, shall be taken to be supplied to it in the course of those activities;

(*c*) a document shall be taken to have been produced by a computer whether it was produced by it directly or (with or without human intervention) by means of any appropriate equipment.

Explanation.—For the purposes of this section,—

(*a*) "computer" means any device that receives, stores and processes data, applying stipulated processes to the information and supplying results of these processes; and

(*b*) any reference to information being derived from other information shall be a reference to its being derived therefrom by calculation, comparison or any other process.".

14. Amendment of Section 37-A.—In Section 37-A of the Central Excises Act, in clause (*a*), for the words "a Collector of Central Excise", the words "a Principal Collector of Central Excise or a Collector of Central Excise" shall be *substituted*.

15. Amendment of Section 38.—In Section 38 of the Central Excises Act, for sub-section (2), the following sub-section shall be *substituted*, namely:—

"(2) Every rule made under this Act and every notification issued under sub-section (1) of Section 5-A and Section 11-C shall be laid, as soon as may be after it is made or issued, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule should not be made or the notification should not be issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.".

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CHAPTER IV

Amendments to the Customs and Excise Revenues Appellate Tribunal Act, 1986

16. **Amendment of Section 14.**—In Section 14 of the Customs and Excise Revenues Appellate Tribunal Act, 1986 (62 of 1986), in sub-section (1),—

(*i*) after clause (*b*), the following clause shall be *inserted*, namely,—

"(*bb*) a decision or order passed by the Board or the Collector of Central Excise under Section 35-EA of the Central Excises Act;"; and

(*ii*) after clause (*d*), the following clause shall be *inserted*, namely,—

"(*e*) a decision or order passed by the Board or the Collector of Customs under Section 129-DA of the Customs Act.".

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) ACT, 1988[1]

[No. 32 OF 1988]

[*25th May, 1988*]

An Act further to amend the Code of Criminal Procedure, 1973

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

1. **Short title.**—This Act may be called the Code of Criminal Procedure (Amendment) Act, 1988.

2. **Amendment of Section 105.**—In Section 105 of the Code of Criminal Procedure, 1973 (2 of 1974),—

(*a*) in sub-section (1), for the portion beginning with the words "issued by it" and ending with the words "in the said territories", the following shall be *substituted*, namely,—

"issued by it shall be served or executed at any place,—

(*i*) within the local jurisdiction of a Court in any State or area in India outside the said territories, it may send such summons or warrant in duplicate by post or otherwise, to the presiding officer of that Court to be served or executed; and where any summons referred to in clause (*a*) or clause (*c*) has been so served, the provisions of Section 68 shall apply in relation to such summons as if the presiding officer of the Court to whom it is sent were a Magistrate in the said territories;

(*ii*) in any country or place outside India in respect of which arrangements have been made by the Central Govern-

1. Received the assent of the President on May 25, 1988 and published in the Gazette of India, Extra., Part II, Section 1, dated 30th May, 1988, pp. 1-2 [C]

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ment with the Government of such country or place for service or execution of summons or warrant in relation to criminal matters (hereafter in this section referred to as the contracting State), it may send such summons or warrant in duplicate in such form, directed to such Court, Judge or Magistrate, and sent to such authority for transmission, as the Central Government may, by notification, specify in this behalf";

(*b*) in sub-section (2),—

(*i*) for the words "issued by a Court in any State or area in India outside the said territories, it shall cause the same to be served or executed", the following shall be *substituted*, namely,—

"issued by—

(*I*) a Court in any State or area in India outside the said territories;

(*II*) a Court, Judge or Magistrate in a contracting State,

it shall cause the same to be served or executed";

(*ii*) the following proviso shall be *inserted* at the end, namely:—

"Provided that in a case where a summons or search warrant received from a contracting State has been executed, the documents or things produced or things found in the search shall be forwarded to the Court issuing the summons or search warrant through such authority as the Central Government may, by notification, specify in this behalf.".

NOTES

Provision of S. 105-A of CrPC, 1898 which is in pari materia with S. 105 of the new Code is not void on ground of discrimination. *Durlab Singh* v. *D.M., Delhi*, 1974 Cri LJ 1182 (Delhi). The District Magistrate Delhi is competent to execute warrant of arrest issued by criminal court in State of Jammu & Kashmir. *Ibid.*

THE PREVENTION OF ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ORDINANCE, 1988[1]

[No. 7 OF 1988]

[*4th July, 1988*]

(*Promulgated by the President in the Thirty-ninth Year of the Republic of India*)

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2. Definitions.
3. Power to make orders detaining certain persons.
4. Execution of detention orders.

1. Promulgated by the President on July 4, 1988 and published in the Gazette of India, Extra., Part II, Section 1, dated 4th July, 1988, pp. 1-8. [C]

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Sections

5. Power to regulate place and conditions of detention.
6. Grounds of detention severable.
7. Detention orders not to be invalid or inoperative on certain grounds.
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9. Advisory Boards.
10. Cases in which and circumstances under which persons may be detained for periods longer than three months without obtaining the opinion of Advisory Board.
11. Maximum period of detention.
12. Revocation of detention orders.
13. Temporary release of persons detained.
14. Protection of action taken in good faith.
15. Amendment of Act 52 of 1974.

An Ordinance to provide for detention in certain cases for the purpose of preventing illicit traffic in narcotic drugs and psychotropic substances and combating abuse of such drugs and substances and for matters connected therewith

Whereas illicit traffic in narcotic drugs and psychotropic substances poses a serious threat to the health and welfare of the people and activities of persons engaged in such illicit traffic have deleterious effect on the national economy;

And whereas having regard to the persons by whom and the manner in which such illicit traffic is organised and carried on, and having regard to the fact that in certain areas which are highly vulnerable to such illicit traffic, such activities of a considerable magnitude are clandestinely organised and carried on, it is necessary for the effective prevention of such activities to provide for detention of persons concerned in any manner therewith;

And whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:

1. Short title, extent and commencement.—(1) This Ordinance may be called the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Ordinance, 1988.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force at once.

2. Definitions.—In this Ordinance, unless the context otherwise requires,—

(*a*) "appropriate Government" means, as respects a detention order made by the Central Government or by an officer of the Central Government, or a person detained under such order, the Central Government, and as respects a detention order made by a State Government or by an officer of a State Government, or a person detained under such order, the State Government;

(*b*) "customs airport" means an airport appointed under clause (*a*) of Section 7 of the Customs Act, 1962 (52 of 1962);

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(*c*) "detention order" means an order made under Section 3 ;

(*d*) "foreigner" has the same meaning as in the Foreigners Act, 1946 (31 of 1946) ;

(*e*) "illicit traffic" means—

(*i*) cultivating any coca plant or gathering any portion of coca plant ;

(*ii*) cultivating the opium poppy or any cannabis plant ;

(*iii*) engaging in the production, manufacture, possession, sale, purchase, transportation, warehousing, concealment, use or consumption, import inter-State, export inter-State, import into India, export from India or transhipment, of narcotic drugs or psychotropic substances ;

(*iv*) dealing in narcotic drugs and psychotropic substances otherwise than as provided in sub-clauses (*i*) to (*iii*) ;

(*v*) handling or letting any premises for use for any of the purposes referred to in sub-clauses (*i*) to (*iv*) ;

(*vi*) financing any activity by himself or through any other person in the furtherance or in support of doing any of the aforesaid acts ;

(*vii*) harbouring persons engaged in any of the activities specified in sub-clauses (*i*) to (*vi*) ; or

(*viii*) abetting or conspiring in the furtherance or in support of doing any of the aforesaid acts,

except to the extent permitted under the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), or any rule or order made, or any condition of any licence, permit or authorisation issued, thereunder ;

(*f*) "Indian Customs waters" has the same meaning as in clause (28) of Section 2 of the Customs Act, 1962 (52 of 1962) ;

(*g*) "State Government", in relation to a Union territory means the Administrator thereof ;

(*h*) words and expressions used herein but not defined, and defined in the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), have the meanings respectively assigned to them in that Act.

3. Power to make orders detaining certain persons.—(1) The Central Government or a State Government, or any officer of the Central Government, not below the rank of a Joint Secretary to that Government, specially empowered for the purposes of this section by that Government, or any officer of a State Government, not below the rank of a Secretary to that Government, specially empowered for the purposes of this section by that Government, may, if satisfied, with respect to any person (including a foreigner) that, with a view to preventing him from committing any of the acts within the meaning of "illicit traffic" as defined in clause (*e*) of Section 2, it is necessary so to do, make an order directing that such person be detained.

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(2) When any order of detention is made by a State Government or by an officer empowered by a State Government, the State Government shall, within ten days, forward to the Central Government a report in respect of the order.

(3) For the purpose of clause (5) of Article 22 of the Constitution, the communication to a person detained in pursuance of a detention order of the grounds on which the order has been made shall be made as soon as may be after the detention, but ordinarily not later than five days, and in exceptional circumstances and for reasons to be recorded in writing, not later that fifteen days, from the date of detention.

NOTES

The 'grounds' under Article 22(5) of the Constitution do not mean mere factual inferences but mean factual inferences plus factual material which led to such factual inferences. *Prakash Chandra Mehta* v. *Commr. & Secretary, Govt. of Kerala*, 1985 Supp SCC 144, 166 : 1985 SCC (Cri) 332.

While the expression 'grounds' includes not only conclusions of fact but also all the 'basic facts' on which those conclusions were founded, they are different from subsidiary facts or further particulars or the basic facts. *Prakash Chandra Mehta* v. *Commr. & Secretary, Govt. of Kerala*, 1985 Supp SCC 144, 167 : 1985 SCC (Cri) 332.

Non-application of mind—Absence of reasons for revocation of earlier order of detention and detaining authority's failure to consider necessity of further detention of the detenus—Held, detention order passed mechanically without proper application of mind Detenus directed to be released. *Avtar Singh* v. *State of J & K*, (1985) 1 SCC 562 : 1985 SCC (Cri) 126.

Nexus between the alleged activity of detenu and object of the Act under which detention made—Held, prevention of smuggling of hashish for which detenu detained under Section 3(1) of COFEPOSA Act, 1974 has nexus with the object sought to be achieved by the Act. *Tusher Govindji Shah* v. *Union of India*, (1985) 1 SCC 571 : 1985 SCC (Cri) 135.

4. Execution of detention orders.—A detention order may be executed at any place in India in the manner provided for the execution of warrants of arrest under the Code of Criminal Procedure, 1973 (2 of 1974).

5. Power to regulate place and conditions of detention.—Every person in respect of whom a detention order has been made shall be liable—

(*a*) to be detained in such place and under such conditions including conditions as to maintenance, interviews or communication with others, discipline and punishment for breaches of discipline, as the appropriate Government may, by general or special order, specify ; and

(*b*) to be removed from one place of detention to another place of detention, whether within the same State or in another State by order of the appropriate Government :

Provided that no order shall be made by a State Government under clause (*b*) for the removal of a person from one State to another State except with the consent of the Government of that other State.

6. Grounds of detention severable.—Where a person has been detained in pursuance of an order of detention under sub-section (1) of Section 3 which has been made on two or more grounds, such order of detention shall be deemed to have been made separately on each of such grounds and

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accordingly—

(*a*) such order shall not be deemed to be invalid or inoperative merely because one or some of the grounds is or are—

(*i*) vague,

(*ii*) non-existent,

(*iii*) not relevant,

(*iv*) not connected or not proximately connected with such person, or

(*v*) invalid for any other reason whatsoever,

and it is not therefore possible to hold that the Government or officer making such order would have been satisfied as provided in sub-section (1) of Section 3 with reference to the remaining ground or grounds and made the order of detention;

(*b*) the Government or officer making the order of detention shall be deemed to have made the order of detention under the said sub-section (1) after being satisfied as provided in that sub-section with reference to the remaining ground or grounds.

7. Detention orders not to be invalid or inoperative on certain grounds.—No detention order shall be invalid or inoperative merely by reason—

(*a*) that the person to be detained thereunder is outside the limits of the territorial jurisdiction of the Government or the officer making the order of detention; or

(*b*) that the place of detention of such person is outside the said limits.

8. Powers in relation to absconding persons.—(1) If the appropriate Government has reason to believe that a person in respect of whom a detention order has been made has absconded or is concealing himself so that the order cannot be executed, that Government may—

(*a*) make a report in writing of the fact to a Metropolitan Magistrate or a Magistrate of the first class having jurisdiction in the place where the said person ordinarily resides; and thereupon the provisions of Sections 82, 83, 84 and 85 of the Code of Criminal Procedure, 1973 (2 of 1974) shall apply in respect of the said person and his property as if the order directing that he be detained were a warrant issued by the Magistrate;

(*b*) by order notified in the Official Gazette direct the said person to appear before such officer, at such place and within such period as may be specified in the order; and if the said person fails to comply with such direction, he shall, unless he proves that it was not possible for him to comply therewith and that he had within the period specified in the order, informed the officer mentioned in the order of the reason which rendered compliance therewith impossible and of his whereabouts, be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

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(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), every offence under clause (*b*) of sub-section (1) shall be cognizable.

9. Advisory Boards.—For the purposes of sub-clause (*a*) of clause (4) and sub-clause (*c*) of clause (7) of Article 22 of the Constitution,—

(*a*) the Central Government and such State Government shall, whenever necessary, continue one or more Advisory Boards each of which shall consist of a Chairman and two other persons possessing the qualifications specified in sub-clause (*a*) of clause (4) of Article 22 of the Constitution;

(*b*) save as otherwise provided in Section 10, the appropriate Government shall, within five weeks from the date of detention of a person under a detention order, make a reference in respect thereof to the Advisory Board constituted under clause (*a*) to enable the Advisory Board to make the report under sub-clause (*a*) of clause (4) of Article 22 of the Constitution;

(*c*) the Advisory Board to which a reference is made under clause (*b*) shall after considering the reference and the materials placed before it and after calling for such further information as it may deem necessary from the appropriate Government or from any person called for the purpose through the appropriate Government or from the person concerned, and if, in any particular case, it considers it essential so to do or if the person concerned desires to be heard in person, after hearing him in person, prepare its report specifying in a separate paragraph thereof its opinion as to whether or not there is sufficient cause for the detention of the person concerned and submit the same within eleven weeks from the date of detention of the person concerned;

(*d*) when there is a difference of opinion among the members forming the Advisory Board, the opinion of the majority of such members shall be deemed to be the opinion of the Board;

(*e*) a person against whom an order of detention has been made under this ordinance shall not be entitled to appear by any legal practitioner in any matter connected with the reference to the Advisory Board and the proceedings of the Advisory Board and its report, excepting that part of the report in which the opinion of the Advisory Board is specified, shall be confidential;

(*f*) in every case where the Advisory Board has reported that there is in its opinion sufficient cause for the detention of a person, the appropriate Government may confirm the detention order and continue the detention of the person concerned for such period as it thinks fit and in every case where the Advisory Board has reported that there is in its opinion no sufficient cause for the detention of the person concerned, the appropriate Government shall revoke the detention order and cause the person to be released forthwith.

10. Cases in which and circumstances under which persons may be detained for periods longer than three months without obtaining the opinion of Advisory Board.—(1) Notwithstanding anything contained

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in this Ordinance, any person (including a foreigner) in respect of whom an order of detention is made under this Ordinance at any time before the 31st day of July, 1990, may be detained without obtaining, in accordance with the provisions of sub-clause (*a*) of clause (4) of Article 22 of the Constitution, the opinion of an Advisory Board for a period longer than three months but not exceeding one year from the date of his detention, where the order of detention has been made against such person with a view to preventing him from engaging in illicit traffic in narcotic drugs and psychotropic substances, and the Central Government or any officer of the Central Government, not below the rank of an Additional Secretary to that Government, specially empowered for the purposes of this section by that Government, is satisfied that such person engages or is likely to engage in illicit traffic in narcotic drugs and psychotropic substances into, out of, or through any area highly vulnerable to such illicit traffic and makes a declaration to that effect within five weeks of the detention of such person.

Explanation.—In this sub-section, "area highly vulnerable to such illicit traffic" means—

(*i*) the Indian Customs waters contiguous to the States of Goa, Gujarat, Karnataka, Kerala, Maharashtra, Tamil Nadu and the Union territories of Daman and Diu and Pondicherry;

(*ii*) the Customs airports;

(*iii*) the metropolitan cities of Bombay, Calcutta, Delhi, Madras and the city of Varanasi;

(*iv*) the inland area one hundred kilometres in width from the coast of India falling within the territories of the States of Andhra Pradesh, Goa, Gujarat, Karnataka, Kerala, Maharashtra, Orissa, Tamil Nadu and West Bengal and the Union territories of Daman and Diu and Pondicherry;

(*v*) the inland area one hundred kilometres in width from—

(*a*) the India-Pakistan border in the States of Gujarat, Punjab and Rajasthan;

(*b*) the India-Nepal border in the States of Bihar, Sikkim, Uttar Pradesh and West Bengal;

(*c*) the India-Burma border in the States of Arunachal Pradesh, Manipur, Mizoram and Nagaland;

(*d*) the India-Bangladesh border in the States of Assam, Meghalaya, Tripura and West Bengal;

(*e*) the India-Bhutan border in the States of Arunachal Pradesh, Assam, Sikkim and West Bengal.

(2) In the case of any person detained under a detention order to which the provisions of sub-section (1) apply, Section 9 shall have effect subject to the following modifications, namely,—

(*i*) in clause (*b*), for the words "shall, within five weeks", the words "shall, within four months and two weeks" shall be *substituted*;

(*ii*) in clause (*c*),—

(*a*) for the words "the detention of the person concerned", the words "the continued detention of the person concerned" shall be *substituted*;

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(*b*) for the words "eleven weeks", the words "five months and three weeks" shall be *substituted*;

(*iii*) in clause (*f*), for the words "for the detention", at both the places where they occur, the words "for the continued detention" shall be *substituted*.

11. Maximum period of detention.—The maximum period for which any person may be detained in pursuance of any detention order to which the provisions of Section 10 do not apply and which has been confirmed under clause (*f*) of Section 9 shall be one year from the date of detention, and maximum period for which any person may be detained in pursuance of any detention order to which the provisions of Section 10 apply and which has been confirmed under clause (*f*) of Section 9, read with sub-section (2) of Section 10, shall be two years from the date of detention:

Provided that nothing contained in this section shall affect the power of appropriate Government in either case to revoke or modify the detention order at any earlier time.

12. Revocation of detention orders.—(1) Without prejudice to the provisions of Section 21 of the General Clauses Act, 1897 (10 of 1897), a detention order may, at any time, be revoked or modified—

(*a*) notwithstanding that the order has been made by an officer of a State Government, by that State Government or by the Central Government;

(*b*) notwithstanding that the order has been made by an officer of the Central Government or by a State Government, by the Central Government.

(2) The revocation of a detention order shall not bar the making of another detention order under Section 3 against the same person.

NOTES

Meaning of word 'revocation'.—The meaning of the verb 'revoke' and its noun seem to signify that revocation is a process of recall of what had been done. *Ibrahim Bachu Bafan* v. *State of Gujarat*, (1985) 2 SCC 24, 29: 1985 SCC (Cri) 149.

13. Temporary release of persons detained.—(1) The Central Government may, at any time, direct that any person detained in pursuance of a detention order made by that Government or by an officer subordinate to that Government or by a State Government or by an officer subordinate to a State Government, may be released for any specified period either without conditions or upon such conditions specified in the direction as that person accepts, and may, at any time, cancel his release.

(2) A State Government may, at any time, direct that any person detained in pursuance of a detention order made by that Government or by an officer subordinate to that Government may be released for any specified period either without conditions or upon such conditions specified in the direction as the person accepts, and may, at any time, cancel his release.

(3) In directing the release of any person under sub-section (1) or sub-section (2), the Government directing the release may require him to enter into a bond with sureties for the due observance of the conditions specified in the direction.

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(4) Any person released under sub-section (1) or sub-section (2) shall surrender himself at the time and place, and to the authority, specified in the order directing his release, or cancelling his release, as the case may be.

(5) If any person fails without sufficient cause to surrender himself in the manner specified in sub-section (4), he shall be punishable with imprisonment for a term which may extend to two years or with fine, or with both.

(6) If any person released under sub-section (1) or sub-section (2) fails to fulfil any of the conditions imposed upon him under the said sub-section or in the bond entered into by him, the bond shall be declared to be forfeited and any person bound thereby shall be liable to pay the penalty thereof.

(7) Notwithstanding anything contained in any other law and save as otherwise provided in this section, no person against whom a detention order made under this Ordinance is in force shall be released whether on bail or bail bond or otherwise.

14. Protection of action taken in good faith.—No suit or other legal proceeding shall lie against the Central Government or a State Government and no suit, prosecution or legal proceeding shall lie against any person for anything in good faith done or intended to be done in pursuance of this Ordinance.

15. Amendment of Act 52 of 1974.—In Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974, to sub-section (1), the following proviso shall be *added*, namely:

"Provided that no order of detention shall be made on any of the grounds specified in this sub-section on which an order of detention may be made under Section 3 of the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Ordinance, 1988."

THE RAJGHAT SAMADHI (AMENDMENT) ACT, 1988[1]

[No. 30 OF 1988]

[*18th May, 1988*]

CONTENTS

Sections

1. Short title.
2. Amendment of Section 6.
3. Amendment of Section 7.
4. Insertion of new Section 7-A.

An Act further to amend the Rajghat Samadhi Act, 1951

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Rajghat Samadhi (Amendment) Act, 1988.

2. Amendment of Section 4.—In Section 4 of the Rajghat Samadhi Act, 1951 (41 of 1951) (hereinafter referred to as the principal Act), after sub-section (4), the following sub-section shall be *inserted*, namely:—

"(5) It is hereby declared that the office of member of the Com-

1. Received the assent of the President on May 18, 1988 and published in the Gazette of India, Extra., Part II, Section 1, dated 19th May, 1988, pp. 1-2 [W]

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mittee shall not disqualify its holder for being chosen as, or for being a member of either House of Parliament.".

3. **Amendment of Section 7.**—In Section 7 of the principal Act, in sub-section (1), after the words "The Committee may", the words, "by notification in the Official Gazette," shall be *inserted*.

4. **Insertion of new Section 7-A.**—After Section 7 of the principal Act, the following section shall be *inserted*, namely :—

"7-A. *Rule and bye-laws to be laid before Parliament.*—Every rule and every bye-law made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or the bye-law or both Houses agree that the rule or bye-law should not be made, the rule or bye-law shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or bye-law.".

NOTES

In *Hukum Chand* v. *Union of India*, AIR 1972 SC 2427, it was laid down that the act of the Central Government in laying the rules before each Houses of Parliament would not prevent the courts from scrutinizing the validity of the rules and holding them to be ultra vires if on such scrutiny the rules are found to be beyond the rule-making power of the Central Government.

THE CUSTOMS (AMENDMENT) ACT, 1988[1]

[No. 27 OF 1988]

[*18th May, 1988*]

CONTENTS

Sections

1. Short title and commencement.
2. Amendment of Section 14.

Section

3. Amendment of Section 156.

An Act further to amend the Customs Act, 1962

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Customs (Amendment) Act, 1988.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. **Amendment of Section 14.**—In Section 14 of the Customs Act, 1962 (52 of 1962), (hereinafter referred to as the principal Act),—

(*a*) in sub-section (1),—

(*i*) in clause (*a*), the brackets and letter "(*a*)" shall be *omitted*;

1. Received the assent of the President on May 18, 1988 and published in the Gazette of India, Extra. Part II, Section 1, dated 19th May, 1988, pp. 1-2 [W][P]

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(*ii*) clause (*b*) shall be *omitted*;

(*b*) after sub-section (1), the following sub-section shall be *inserted*, namely :—

"(1-A) Subject to the provisions of sub-section (1), the price referred to in that sub-section in respect of imported goods shall be determined in accordance with the rules made in this behalf." ;

(*c*) in sub-section (2), after the words, brackets and figure "in sub-section (1)", the words, brackets, figure and letter "or sub-section (1-A)" shall be *inserted*.

3. **Amendment of Section 156.**—In Section 156 of the principal Act, in sub-section (2), for clause (*a*), the following clause shall be *substituted*, namely :—

"(*a*) the manner of determining the price of imported goods under sub-section (1-A) of Section 14;".

NOTES

Immunity from tax under Article 289 of the Constitution to the States does not extend in respect of custom duties. *In re see Customs Act, 1878*, (1964) 3 SCR 787.

THE EMPLOYEES' PROVIDENT FUNDS AND MISCELLANEOUS PROVISIONS (AMENDMENT) ACT, 1988[1]

[No. 33 OF 1988]

[*2nd June, 1988*]

CONTENTS

Sections		*Sections*	
1.	Short title and commencement.	16.	Amendment of Section 11.
2.	Amendment of Section 1.	17.	Amendment of Section 13.
3.	Amendment of Section 2.	18.	Amendment of Section 14.
4.	Amendment of Section 5-A.	19.	Amendment of Section 14-AA.
5	Insertion of new Section 5-AA.	20.	Amendment of Section 14-B.
6.	Amendment of Section 5-D.	21.	Amendment of Section 16.
7.	Insertion of new Section 5-DD.	22.	Insertion of new Section 16-A.
8.	Amendment of Section 5-E.	23.	Amendment of Section 17.
9.	Amendment of Section 6.	24.	Substitution of new sections for Section 18.
10.	Amendment of Section 7-A.	25.	Substitution of new sections for Section 19-A.
11.	Insertion of new Sections 7-B to 7-Q.	26.	Amendment of Schedule IV.
12.	Amendment of Section 8.	27.	Amendment of Act 45 of 1860.
13.	Amendment of Section 8-A.		
14.	Insertion of new Sections 8-B to 8-G.		
15.	Amendment of Section 10.		

An Act further to amend the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 and the Indian Penal Code

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows :—

Prefatory Note—Statement of Objects and Reasons.—The Employees' Provident Funds and Miscellaneous Provisions Act, 1952 provides for the institution of Compulsory Provident Fund, Family Pension Fund and Deposit Linked Insurance Fund, for the benefit of the employees in factories and other establishments. The Act is at present applicable

1. Received the assent of the President on June 2, 1988 and published in the Gazette of India, Extra., Part II, Section 1, dated 7th June, 1988, Sl. No. 40. [W] [P]

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to 173 industries and classes of establishments employing twenty or more persons. As on 31-3-1987, about 1.66 lakh establishments with about 1.38 crore subscribers were covered under the Act.

2. The Act was last amended in 1976. The Government had set up a high level Committee in April, 1980 to review the working of the Employees' Provident Funds Organisation and to suggest improvements. The Committee had made a number of recommendations involving amendment of the Act. The Central Board of Trustees, Employees' Provident Fund had also, from time to time, made certain recommendations amendment for of the Act. The Standing Labour Committee had, at its meeting held in September, 1986 considered *inter alia* the question of enhancement of the rate of provident fund contribution and recommended suitable enhancement.

3. Based on the above recommendations, it is proposed to carry out certain amendments in the Act. Some of the more important amendments are :—

(*i*) the number of representatives of the organisations of the employers and the employees on the Central Board of Trustees is being raised from 6 each to 10 each, so as to provide greater representation to the employers and employees on the Board. A provision is also being made for setting up an Executive Committee to assist the Board in the discharge of its functions ;

(*ii*) the Central Board is being given enhanced powers in the matter of appointment of officers and staff, creation of posts, specifying methods of recruitment, salary and allowances, etc., of its officers and staff, for the smooth functioning of the Schemes administered by it ;

(*iii*) the minimum rate of provident fund contribution is being enhanced from 6-1/4 to 8-1/3 per cent of basic wages. An enabling provision is also being made for raising the rate of contribution from 8-1/3 per cent to 10 per cent ;

(*iv*) a provision is being made for setting up an independent machinery, for recovery of the outstanding amount of provident fund and other dues under the Act ;

(*v*) a provision is being made for setting up one or more single-member Tribunals, for hearing of appeals filed against the orders of provident fund authorities in the matter of applicability of the provisions of the Act, assessment of dues and levy of damages, etc. ;

(*vi*) a provision is being made for treating the entire amount of arrears of provident fund dues as first charge on the assets of an establishment in the event of its liquidation ;

(*vii*) the existing penal provisions are being made more stringent. A suitable provision is also being made for charging of simple interest on belated payment of any amount due under the Act ;

(*viii*) the existing legal and penal provisions, as applicable to unexempted establishments, are being made applicable to exempted establishments, so as to check the defaults on their part ;

(*ix*) the establishments belonging to or under the control of the Central Government or State Government and establishments set up under either an Act of Parliament or State Legislature, whose employees are entitled to the benefit of contributory provident fund or old age pension under any rule or scheme governing them are being excluded from the purview of the Act, so as to enable the Employees' Provident Funds Organisation to concentrate on establishments whose employees are not entitled to the benefit of provident fund or pension under any other law or scheme ;

(*x*) a provision is also being made for authorising the unexempted establishments employing 100 or more persons to maintain the provident fund accounts of their employees subject to certain conditions, so as to ensure prompt service to the members.

The Notes on clauses explain in detail the provisions of the Bill.

4. The Bill seeks to achieve the above objects.

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1. **Short title and commencement.**—(1) This Act may be called the Employees' Provident Funds and Miscellaneous Provisions (Amendment) Act, 1988.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act†.

2. **Amendment of Section 1.**—In Section 1 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the principal Act), for sub-section (4), the following sub-section shall be *substituted*, namely :—

"(4) Notwithstanding anything contained in sub-section (3) of this section or sub-section (1) of Section 16, where it appears to the Central Provident Fund Commissioner, whether on an application made to him in this behalf or otherwise, that the employer and the majority of employees in relation to any establishment have agreed that the provisions of this Act should be made applicable to the establishment, he may, by notification in the Official Gazette, apply the provisions of this Act to that establishment on and from the date of such agreement or from any subsequent date specified in such agreement.

NOTES

The true test to determine applicability of the E.P.F. Act under Section 1(3)(*a*) is whether there is an establishment which is a 'factory' engaged in any of the scheduled industries and whether 20 or more persons are employed in the said establishment. If the answer is in the affirmative, the provisions of the Act are clearly attracted, and it makes no difference to this legal position that the establishment is run by a larger organisation which may be carrying on other aditional activities falling outside the Act. Section 2-A does not provide so. *Andhra University* v. *Regional Provident Fund Commr.*, (1985) 4 SCC 509, 512, 513.

3. **Amendment of Section 2.**—In Section 2 of the principal Act,—

(*a*) after clause (*a*), the following clause shall be *inserted*, namely :—

'(*aa*) "authorised officer" means the Central Provident Fund Commissioner, Additional Central Provident Fund Commissioner, Deputy Provident Fund Commissioner, Regional Provident Fund Commissioner or such other officer as may be authorised by the Central Government, by notification in the Official Gazette ;' ;

(*b*) in clause (*b*), in the opening portion, for the words "on leave with wages", the words "on leave or on holidays with wages in either case" shall be *substituted* ;

NOTES

An adjoining factory was subsequently registered under the Factories Act but its work was preliminary or incidental to the work in the principal employer's factory and the work in the two places had intimate co-relations. The contractors were, therefore, immediate employers and the employees of the contractors were the employees of the principal

† Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 15, 16, 17, 18, 19, 21, 24, 26 and 27 enforced w.e.f. 1-8-1988 *vide* Notification No. S.O. 716(E) dated July 15, 1988.

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employer for purpose of Employees' State Insurance Act. *B.M. Lakshmanamurthy* v. *E.S.I. Corporation*, (1974) 4 SCC 365 : 1974 SCC (L & S) 320.

(*c*) in clause (*f*), for the words "and includes any person employed by or through a contractor in or in connection with the work of the establishment", the following shall be *substituted*, namely :—

"and includes any person—

(*i*) employed by or through a contractor in or in connection with the work of the establishment ;

(*ii*) engaged as an apprentice, not being an apprentice engaged under the Apprentices Act, 1961 (52 of 1961), or under the standing orders of the establishment ;" ;

(*d*) after clause (*k*), the following clauses shall be *inserted*, namely :—

"(*ka*) "prescribed" means prescribed by rules made under this Act ;

(*kb*) "Recovery Officer" means any officer of the Central Government, State Government or the Board of Trustees constituted under Section 5-A, who may be authorised by the Central Government, by notification in the Official Gazette, to exercise the powers of a Recovery Officer under this Act ;" ;

(*e*) after clause (*l*), the following clause shall be *inserted*, namely :—

'(*m*) "Tribunal" means the Employees' Provident Funds Appellate Tribunal constituted under Section 7-D.'.

4. **Amendment of Section 5-A.**—In Section 5-A of the principal Act,—

(*a*) in sub-section (1),—

(*i*) in the opening portion, for the word "persons", the words "persons as members" shall be *substituted* ;

(*ii*) in clause (*a*), for the words "a Chairman", the words "a Chairman and a Vice-Chairman" shall be *substituted* ;

(*iii*) after clause (*a*), the following clause shall be *inserted*, namely :—

"(*aa*) the Central Provident Fund Commissioner, *ex officio*" ;

(*iv*) in clauses (*d*) and (*e*), for the words "six persons", the words "ten persons" shall be *substituted* ;

(*b*) after sub-section (4), the following sub-sections shall be *inserted*, namely :—

"(5) The Central Board shall maintain proper accounts of its income and expenditure in such form and in such manner as the Central Government may, after consultation with the Comptroller and Auditor-General of India, specify in the Scheme.

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(6) The accounts of the Central Board shall be audited annually by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Central Board to the Comptroller and Auditor-General of India.

(7) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Central Board shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General has, in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers, documents and papers and inspect any of the offices of the Central Board.

(8) The accounts of the Central Board as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded to the Central Board which shall forward the same to the Central Government along with its comments on the report of the Comptroller and Auditor-General.

(9) It shall be the duty of the Central Board to submit also to the Central Government an annual report of its work and activities and the Central Government shall cause a copy of the annual report, the audited accounts together with the report of the Comptroller and Auditor-General of India and the comments of the Central Board thereon to be laid before each House of Parliament.".

5. Insertion of new Section 5-AA.—After Section 5-A of the principal Act, the following section shall be *inserted*, namely :—

"5-AA. *Executive Committee.*—(1) The Central Government may, by notification in the Official Gazette, constitute, with effect from such date as may be specified therein, an Executive Committee to assist the Central Board in the performance of its functions.

(2) The Exective Committee shall consist of the following persons as members namely :—

(*a*) a Chairman appointed by the Central Government from amongst the members of the Central Board ;

(*b*) two persons appointed by the Central Government from amongst the persons referred to in clause (*b*) of sub-section (1) of Section 5-A ;

(*c*) three persons appointed by the Central Government from amongst the persons referred to in clause (*c*) of sub-section (1) of Section 5-A ;

(*d*) three persons representing the employers elected by the Central Board from amongst the persons referred to in clause (*d*) of sub-section (1) of Section 5-A ;

(*e*) three persons representing the employees elected by the Central Board from amongst the persons referred to in clause (*e*) of sub-section (1) of Section 5-A ;

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(*f*) the Central Provident Fund Commissioner, *ex officio*.

(3) The terms and conditions subject to which a member of the Central Board may be appointed or elected to the Executive Committee and the time, place and procedure of the meetings of the Executive Committee shall be such as may be provided for in the Scheme.

6. Amendment of Section 5-D.—In Section 5-D of the principal Act,—

(*a*) in sub-section (2), for the words "as many Deputy Provident Fund Commissioners, Regional Provident Fund Commissioners and other officers whose maximum monthly salary is not less than five hundred rupees as it may consider necessary", the words "a Financial Adviser and Chief Accounts Officer" shall be *substituted*;

(*b*) in sub-section (3), after the words "may appoint", the words " ,subject to the maximum scale of pay, as may be specified in the Scheme, as many Additional Central Provident Fund Commissioners, Deputy Provident Fund Commissioners, Regional Provident Fund Commissioners, Assistant Provident Fund Commissioners and" shall be *inserted*;

(*c*) in sub-section (4),—

(*i*) for the words "the post of the Central Provident Fund Commissioner or Deputy Provident Fund Commissioner or Regional Provident Fund Commissioner or to any other post under the Central Board carrying a maximum monthly salary of not less than five hundred rupees", the words and letters "the post of the Central Provident Fund Commissioner or an Additional Central Provident Fund Commissioner or a Financial Adviser and Chief Accounts Officer or any other post under the Central Board carrying a scale of pay equivalent to the scale of pay of any Group 'A' or Group 'B' post under the Central Government" shall be *substituted*;

(*ii*) in the proviso in clause (*b*), in sub-clause (*ii*), for the words and figures "Class I or Class II post", the words and letters "Group 'A' or Group 'B' post" shall be *substituted*;

(*d*) in sub-section (6), for the words "Deputy Provident Fund Commissioner and Regional Provident Fund Commissioner", the words "and the Financial Adviser and Chief Accounts Officer" shall be *substituted*;

(*e*) for sub-section (7), the following sub-section shall be *substituted*, namely:—

"(7) (*a*) The method of recruitment, salary and allowances, discipline and other conditions of service of the Additional Central Provident Fund Commissioner, Deputy Provident Fund Commissioner, Regional Provident Fund Commissioner, Assistant Provident Fund Commissioner and other officers and employees of the Central Board shall be such as may be specified by the Central Board in accordance with the rules and orders applicable to the officers and employees of the Central Government drawing corresponding scales of pay:

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Provided that where the Central Board is of the opinion that it is necessary to make a departure from the said rules or orders in respect of any of the matters aforesaid, it shall obtain the prior approval of the Central Government.

(*b*) In determining the corresponding scales of pay of officers and employees under clause (*a*), the Central Board shall have regard to the educational qualifications, method of recruitment, duties and responsibilities of such officers and employees under the Central Government and in case of any doubt, the Central Board shall refer the matter to the Central Government whose decision thereon shall be final.".

7. **Insertion of new Section 5-DD.**—After Section 5-D of the principal Act, the following section shall be *inserted*, namely :—

"5-DD. *Acts and proceedings of the Central Board or its Executive Committee or State Board not to be invalidated on certain grounds.*—No act done or proceeding taken by the Central Board or the Executive Committee constituted under Section 5-AA or the State Board shall be questioned on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Central Board or the Executive Committee or the State Board, as the case may be.".

8. **Amendment of Section 5-E.**—In Section 5-E of the principal Act, for the words "The Central Board may, with the prior approval of the Central Government and a State Board may, with the prior approval of the State Government concerned, delegate to its Chairman or to any of its officers", the words "The Central Board may delegate to the Executive Committee or to the Chairman of the Board or to any of its officers and a State Board may delegate to its Chairman or to any of its officers" shall be *substituted*.

9. **Amendment of Section 6.**—In Section 6 of the principal Act,—

(*a*) in the opening paragraph,—

(*i*) for the words "six and a quarter per cent", the words "eight and one-third per cent" shall be *substituted*;

(*ii*) for the words and brackets "if any employee so desires and if the Scheme makes provision therefor, be an amount not exceeding eight and one-third per cent of his basic wages, dearness allowance and retaining allowance (if any)", the words and brackets "if any employee so desires, be an amount exceeding eight and one-third per cent of his basis wages, dearness allowance and retaining allowance (if any), subject to the condition that the employer shall not be under an obligation to pay any contribution over and above his contribution payable under this section" shall be *substituted*;

(*b*) for the first proviso, the following proviso shall be *substituted*, namely :—

'Provided that in its application to any establishment or class of establishments which the Central Government, after

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making such inquiry as it deems fit, may, by notification in the Official Gazette specify, this section shall be subject to the modification that for the words "eight and one-third per cent", at both the places where they occur, the words "ten per cent" shall be *substituted*:'.

10. Amendment of Section 7-A.—In Section 7-A of the principal Act,—

(*a*) for sub-section (1), the following sub-section shall be *substituted*, namely :—

"(1) The Central Provident Fund Commissioner, any Additional Central Provident Fund Commissioner, any Deputy Provident Fund Commissioner, any Regional Provident Fund Commissioner or any Assistant Provident Fund Commissioner may, by order,—

(*a*) in a case where a dispute arises regarding the applicability of this Act to an establishment, decide such dispute; and

(*b*) determine the amount due from any employer under any provision of this Act, the Scheme or the Family Pension Scheme or the Insurance Scheme, as the case may be,

and for any of the aforesaid purposes may conduct such inquiry as he may deem necessary.';

(*b*) in sub-section (3),—

(*i*) the words "determining the amount due from any employer" shall be *omitted*;

(*ii*) for the words "the employer", the words "the employer concerned" shall be *substituted*;

(*c*) after sub-section (3), the following sub-section shall be *inserted*, namely :—

"(3-A) Where the employer, employee or any other person required to attend the inquiry under sub-section (1) fails to attend such inquiry without assigning any valid reason or fails to produce any document or to file any report or return when called upon to do so, the officer conducting the inquiry may decide the applicability of the Act or determine the amount due from any employer, as the case may be, on the basis of the evidence adduced during such inquiry and other documents available on record.";

(*d*) for sub-section (4), the following sub-sections shall be *substituted*, namely :—

"(4) Where an order under sub-section (1) is passed against an employer *ex parte*, he may, within three months from the date of communication of such order, apply to the officer for setting aside such order and if he satisfies the officer that the show cause notice was not duly served or that he was prevented by any sufficient cause from appearing when the inquiry was held, the officer shall make an order setting aside his earlier order and shall appoint a date for proceeding with the inquiry :

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Provided that no such order shall be set aside merely on the ground that there has been an irregularity in the service of the show cause notice if the officer is satisfied that the employer had notice of the date of hearing and had sufficient time to appear before the officer.

Explanation.—Where an appeal has been preferred under this Act against an order passed *ex parte* and such appeal has been disposed of otherwise than on the ground that the appellant has withdrawn the appeal, no application shall lie under this sub-section for setting aside the *ex parte* order.

(5) No order passed under this section shall be set aside on any application under sub-section (4) unless notice thereof has been served on the opposite party.".

11. Insertion of new Sections 7-B to 7-Q.—After Section 7-A of the principal Act, the following sections shall be *inserted*, namely:—

"7-B. *Review of orders passed under Section 7-A.*—(1) Any person aggrieved by an order made under sub-section (1) of Section 7-A, but from which no appeal has been preferred under this Act, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the order was made, or on account of some mistake or error apparent on the face of the record or for any other sufficient reason, desires to obtain a review of such order may apply for a review of that order to the officer who passed the order:

Provided that such officer may also on his own motion review his order if he is satisfied that it is necessary so to do on any such ground.

(2) Every application for review under sub-section (1) shall be filed in such form and manner and within such time as may be specified in the Scheme.

(3) Where it appears to the officer receiving an application for review that there is no sufficient ground for a review, he shall reject the application.

(4) Where the officer is of opinion that the application for review shall be granted, he shall grant the same:

Provided that,—

(*a*) no such application shall be granted without previous notice to all the parties before him to enable them to appear and be heard in support of the order in respect of which a review is applied for, and

(*b*) no such application shall be granted on the ground of discovery of new matter or evidence which the applicant alleges was not within his knowledge or could not be produced by him when the order was made, without proof of such allegation.

(5) No appeal shall lie against the order of the officer rejecting an application for review, but an appeal under this Act shall lie against

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an order passed under review as if the order passed under review were the original order passed by him under Section 7-A.

7-C. *Determination of escaped amount.*—Where an order determining the amount due from an employer under Section 7-A or Section 7-B has been passed and if the officer who passed the order—

(*a*) has reason to believe that by reason of the omission or failure on the part of the employer to make any document or report available, or to disclose, fully and truly, all material facts necessary for determining the correct amount due from the employer, any amount so due from such employer for any period has escaped his notice;

(*b*) has, in consequence of information in his possession, reason to believe that any amount to be determined under Section 7-A or Section 7-B has escaped from his determination for any period notwithstanding that there has been no omission or failure as mentioned in clause (*a*) on the part of employer,

he may, within a period of five years from the date of communication of the order passed under Section 7-A or Section 7-B, re-open the case and pass appropriate orders re-determining the amount due from the employer in accordance with the provisions of this Act:

Provided that no order re-determining the amount due from the employer shall be passed under this section unless the employer is given a reasonable opportunity of representing his case.

7-C. *Employees' Provident Funds Appellate Tribunal.*—(1) The Central Government may, by notification in the Official Gazette, constitute one or more Appellate Tribunals to be known as the Employees' Provident Funds Appellate Tribunal to exercise the powers and discharge the functions conferred on such Tribunal by this Act and every such Tribunal shall have jurisdiction in respect of establishments situated in such area as may be specified in the notification constituting the Tribunal.

(2) A Tribunal shall consist of one person only to be appointed by the Central Government.

(3) A person shall not be qualified for appointment as the Presiding Officer of a Tribunal (hereinafter referred to as the Presiding Officer), unless he is, or has been, or is qualified to be, a Judge of a High Court.

7-E. *Term of office.*—The Presiding Officer of a Tribunal shall hold office for a term of five years from the date on which he enters upon his office or until he attains the age of sixty-two years, whichever is earlier.

7-F. *Resignation.*—The Presiding Officer may, by notice in writing under his hand addressed to the Central Government, resign his office:

Provided that the Presiding Officer shall, unless he is permitted by the Central Government to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is the earliest.

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7-G. *Salary and allowances and other terms and conditions of service of Presiding Officer.*—The salary and allowances payable to, and the other terms and conditions of service (including pension, gratuity and other retirement benefits) of, the Presiding Officer shall be such as may be prescribed :

Provided that neither the salary and allowances nor the other terms and conditions of service of the Presiding Officer shall be varied to his disadvantage after his appointment.

7-H. *Staff of Tribunal.*—(1) The Central Government shall determine the nature and categories of the officers and other employees required to assist a Tribunal in the discharge of its functions and provide the Tribunal with such officers and other employees as it may think fit.

(2) The officers and other employees of a Tribunal shall discharge their functions under the general superintendence of the Presiding Officer.

(3) The salaries and allowances and other conditions of service of the officers and other employees of a Tribunal shall be such as may be prescribed.

7-I. *Appeals to Tribunal.*—(1) Any person aggrieved by a notification issued by the Central Government, or an order passed by the Central Government or any authority, under the proviso to sub-section (3), or sub-section (4), of Section 1, or Section 3, or sub-section (1) of Section 7-A, or Section 7-B [except an order rejecting an application for review referred to in sub-section (5) thereof], or Section 7-C, or Section 14-B, may prefer an appeal to a Tribunal against such notification or order.

(2) Every appeal under sub-section (1) shall be filed in such form and manner, within such time and be accompanied by such fees, as may be prescribed.

7-J. *Procedure of Tribunals.*—(1) A Tribunal shall have power to regulate its own procedure in all matters arising out of the exercise of its powers or of the discharge of its functions including the places at which the Tribunal shall have its sittings.

(2) A Tribunal shall, for the purpose of discharging its functions, have all the powers which are vested in the officers referred to in Section 7-A and any proceeding before the Tribunal shall be deemed to be a judicial proceeding within the meaning of Sections 193 and 228, and for the purpose of Section 196, of the Indian Penal Code, 1860 (45 of 1860), and the Tribunal shall be deemed to be a civil court for all the purposes of Section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

7-K. *Right of appellant to take assistance of legal practitioner and of Government, etc., to appoint presenting officers.*—(1) A person preferring an appeal to a Tribunal under this Act may either appear in person or take the assistance of a legal practitioner of his choice to present his case before the Tribunal.

(2) The Central Government or a State Government or any other authority under this Act may authorise one or more legal practitioners or

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any of its officers to act as presenting officers and every person so authorised may present the case with respect to any appeal before a Tribunal.

7-L. *Orders of Tribunal.*—(1) A Tribunal may, after giving the parties to the appeal, an opportunity of being heard, pass such orders thereon as it thinks fit, confirming, modifying or annulling the order appealed against or may refer the case back to the authority which passed such order with such directions as the Tribunal may think fit, for a fresh adjudication or order, as the case may be, after taking additional evidence, if necessary.

(2) A Tribunal may, at any time within five years from the date of its order, with a view to rectifying any mistake apparent from the record, amend any order passed by it under sub-section (1) and shall make such amendment in the order if the mistake is brought to its notice by the parties to the appeal:

Provided that an amendment which has the effect of enhancing the amount due from, or otherwise increasing the liability of, the employer shall not be made under this sub-section, unless the Tribunal has given notice to him of its intention to do so and has allowed him a reasonable opportunity of being heard.

(3) A Tribunal shall send a copy of every order passed under this section to the parties to the appeal.

(4) Any order made by a Tribunal finally disposing of an appeal shall not be questioned in any court of law.

7-M. *Filling up of vacancies.*—If, for any reason, a vacancy occurs in the office of the Presiding Officer, the Central Government shall appoint another person in accordance with the provisions of this Act, to fill the vacancy and the proceedings may be continued before a Tribunal from the stage at which the vacancy is filled.

7-N. *Finality of orders constituting a Tribunal.*—No order of the Central Government appointing any person as the Presiding Officer shall be called in question in any manner, and no act or proceeding before a Tribunal shall be called in question in any manner on the ground merely of any defect in the constitution of such Tribunal.

7-O. *Deposit of amount due, on filing appeal.*—No appeal by the employer shall be entertained by a Tribunal unless he has deposited with it seventy-five per cent of the amount due from him as determined by an officer referred to in Section 7-A:

Provided that the Tribunal may, for reasons to be recorded in writing, waive or reduce the amount to be deposited under this section.

7-P. *Transfer of certain applications to Tribunals.*—All applications which are pending before the Central Government under Section 19-A before its repeal, shall stand transferred to a Tribunal exercising jurisdiction in respect of establishments in relation to which such applications had been made as if such applications were appeals preferred to the Tribunal.

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7-Q. *Interest Payable by the Employer.*—The employer shall be liable to pay simple interest at the rate of twelve per cent per annum or at such higher rate as may be specified in the Scheme on any amount due from him under this Act from the date on which the amount has become so due till the date of its actual payment :

Provided that higher rate of interest specified in the Scheme shall not exceed the lending rate of interest charged by any scheduled bank.

12. Amendment of Section 8.—In Section 8 of the principal Act, for the words "by the Central Provident Fund Commissioner or such other officer as may be authorised by him, by notification in the Official Gazette, in this behalf, in the same manner as an arrear of land revenue", the words, figures and letters "in the manner specified in Sections 8-B to 8-G" shall be *substituted.*

13. Amendment of Section 8-A.—In Section 8-A of the principal Act, in sub-section (1), the words "on the basis of such contribution" shall be *omitted.*

14. Insertion of new Sections 8-B to 8-G.—After Section 8-A of the principal Act, the following sections shall be *inserted*, namely :—

"8-B. *Issue of certificate to the Recovery Officer.*—(1) Where any amount is in arrear under Section 8, the authorised officer may issue, to the Recovery Officer, a certificate under his signature specifying the amount of arrears and the Recovery Officer, on receipt of such certificate, shall proceed to recover the amount specified therein from the establishment or, as the case may be, the employer by one or more of the modes mentioned below :—

(*a*) attachment and sale of the movable or immovable property of the establishment or, as the case may be, the employer ;

(*b*) arrest of the employer and his detention in prison ;

(*c*) appointing a receiver for the management of the movable or immovable properties of the establishment or, as the case may be, the employer :

Provided that the attachment and sale of any property under this section shall first be effected against the properties of the establishment and where such attachment and sale is insufficient for recovering the whole of the amount of arrears specified in the certificate, the Recovery Officer may take such proceedings against the property of the employer for recovery of the whole or any part of such arrears.

(2) The authorised officer may issue a certificate under sub-section (1), notwithstanding that proceedings for recovery of the arrears by any other mode have been taken.

8-C. *Recovery Officer to whom certificate is to be forwarded.*—(1) The authorised officer may forward the certificate referred to in Section 8-B to the Recovery Officer within whose jurisdiction the employer—

(*a*) carries on his business or profession or within whose jurisdiction the principal place of his establishment is situate ; or

(*b*) resides or any movable or immovable property of the establishment or the employer is situate.

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(2) Where an establishment or the employer has property within the jurisdiction of more than one Recovery Officer and the Recovery Officer to whom a certificate is sent by the authorised Officer—

(*a*) is not able to recover the entire amount by the sale of the property, movable or immovable, within his jurisdiction ; or

(*b*) is of the opinion that, for the purpose of expediting or securing the recovery of the whole or any part of the amount, it is necessary so to do,

he may send the certificate or, where only a part of the amount is to be recovered, a copy of the certificate certified in the prescribed manner and specifying the amount to be recovered to the Recovery Officer within whose jurisdiction the establishment or the employer has property or the employer resides, and thereupon that Recovery Officer shall also proceed to recover the amount due under this section as if the certificate or the copy thereof had been the certificate sent to him by the authorised officer.

8-D. *Validity of certificate, and amendment thereof.*—(1) When the authorised officer issues a certificate to a Recovery Officer under Section 8-B, it shall not be open to the employer to dispute before the Recovery Officer the correctness of the amount, and no objection to the certificate on any other ground shall also be entertained by the Recovery Officer.

(2) Notwithstanding the issue of a certificate to a Recovery Officer, the authorised officer shall have power to withdraw the certificate or correct any clerical or arithmetical mistake in the certificate by sending an intimation to the Recovery Officer.

(3) The authorised officer shall intimate to the Recovery Officer any orders withdrawing or cancelling a certificate or any correction made by him under sub-section (2) or any amendment made under sub-section (4) of Section 8-E.

8-E. *Stay of proceedings under certificate and amendment or withdrawal thereof.*—(1) Notwithstanding that a certificate has been issued to the Recovery Officer for the recovery of any amount, the authorised officer may grant time for the payment of the amount, and thereupon the Recovery Officer shall stay the proceedings until the expiry of the time so granted.

(2) Where a certificate for the recovery of amount has been issued, the authorised officer shall keep the Recovery Officer informed of any amount paid or time granted for payment, subsequent to the issue of such certificate.

(3) Where the order giving rise to a demand of amount for which a certificate for recovery has been issued has been modified in appeal or other proceeding under this Act, and, as a consequence thereof, the demand is reduced but the order is the subject-matter of a further proceeding under this Act, the, authorised officer shall stay the recovery of such part of the amount of the certificate as pertains to the said reduction for the period for which the appeal or other proceeding remains pending.

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(4) Where a certificate for the recovery of amount has been issued and subsequently the amount of the outstanding demand is reduced as a result of an appeal or other proceeding under this Act, the authorised officer shall, when the order which was the subject-matter of such appeal or other proceeding has become final and conclusive, amend the certificate or withdraw it, as the case may be.

8-F. *Other modes of recovery.* - (1) Notwithstanding the issue of a certificate to the Recovery Officer under Section 8-B, the Central Provident Fund Commissioner or any other officer authorised by the Central Board may recover the amount by any one or more of the modes provided in this section.

(2) If any amount is due from any person to any employer who is in arrears, the Central Provident Fund Commissioner or any other officer authorised by the Central Board in this behalf may require such person to deduct from the said amount the arrears due from such employer under this Act, and such person shall comply with any such requisition and shall pay the sum so deducted to the credit of the Central Provident Fund Commissioner or the officer so authorised, as the case may be :

Provided that nothing in this sub-section shall apply to any part of the amount exempt from attachment in execution of a decree of a civil court under Section 60 of the Code of Civil Procedure, 1908 (5 of 1908).

(3) (*i*) The Central Provident Fund Commissioner or any other officer authorised by the Central Board in this behalf may, at any time or from time to time, by notice in writing, require any person from whom money is due or may become due to the employer or, as the case may be, the establishment or any person who holds or may subsequently hold money for or on account of the employer or as the case may be, the establishment, to pay to the Central Provident Fund Commissioner either forthwith upon the money becoming due or being held or at or within the time specified in the notice (not being before the money becomes due or is held) so much of the money as is sufficient to pay the amount due from the employer in respect of arrears or the whole of the money when it is equal to or less than that amount.

(*ii*) A notice under this sub-section may be issued to any person who holds or may subsequently hold any money for or on account of the employer jointly with any other person and for the purposes of this sub-section, the shares of the joint-holders in such account shall be presumed, until the contrary is proved, to be equal.

(*iii*) A copy of the notice shall be forwarded to the employer at his last address known to the Central Provident Fund Commissioner or, as the case may be, the officer so authorised and in the case of a joint account to all the joint-holders at their last addresses known to the Central Provident Fund Commissioner or the officer so authorised.

(*iv*) Save as otherwise provided in this sub-section, every person to whom a notice is issued under this sub-section shall be bound to comply with such notice, and, in particular, where any such notice is issued to a post office, bank or an insurer, it shall not be necessary for any pass book, deposit receipt, policy or any other document to

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be produced for the purpose of any entry, endorsement or the like being made before payment is made notwithstanding any rule, practice or requirement to the contrary.

(*v*) Any claim respecting any property in relation to which a notice under this sub-section has been issued arising after the date of the notice shall be void as against any demand contained in the notice.

(*vi*) Whery a person to whom a notice under this sub-section is sent objects to it by a statement on oath that the sum demanded or any part thereof is not due to the employer or that he does not hold any money for or on account of the employer, then, nothing contained in this sub-section shall be deemed to require such person to pay any such sum or part thereof, as the case may be, but if it is discovered that such statement was false in any material particular, such person shall be personally liable to the Central Provident Fund Commissioner or the officer so authorised to the extent of his own liability to the employer on the date of the notice, or to the extent of the employer's liability for any sum due under this Act, whichever is less.

(*vii*) The Central Provident Fund Commissioner or the officer so authorised may, at any time or from time to time, amend or revoke any notice issued under this sub-section or extend the time for making any payment in pursuance of such notice.

(*viii*) The Central Provident Fund Commissioner or the officer so authorised shall grant a receipt for any amount paid in compliance with a notice issued under this sub-section, and the person so paying shall be fully discharged from his liability to the employer to the extent of the amount so paid.

(*ix*) Any person discharging any liability to the employer after the receipt of a notice under this sub-section shall be personally liable to the Central Provident Fund Commissioner or the officer so authorised to the extent of his own liability to the employer so discharged or to the extent of the employer's liability for any sum due under this Act, whichever is less.

(*x*) If the person to whom a notice under this sub-section is sent fails to make payment in pursuance thereof to the Central Provident Fund Commissioner or the officer so authorised he shall be deemed to be an employer in default in respect of the amount specified in the notice and further proceedings may be taken against him for the realisation of the amount as if it were an arrear due from him, in the manner provided in Sections 8-B to 8-E and the notice shall have the same effect as an attachment of a debt by the Recovery Officer in exercise of his powers under Section 8-B.

(4) The Central Provident Fund Commissioner or the officer authorised by the Central Board in this behalf may apply to the court in whose custody there is money belonging to the employer for payment to him of the entire amount of such money, or if it is more than the amount due, an amount sufficient to discharge the amount due.

(5) The Central Provident Fund Commissioner or any officer not below the rank of Assistant Provident Fund Commissioner may, if so authorised by the Central Government by general or special order, recover any arrears of amount due from an employer or, as the case

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may be, from the establishment by distraint and sale of his or its movable property in the manner laid down in the Third Schedule to the Income-tax Act, 1961 (43 of 1961).

8-G. *Application of certain provisions of Income-tax Act.*—The provisions of the Second and Third Schedules to the Income-tax Act, 1961 (43 of 1961), and the Income-tax (Certificate Proceedings) Rules, 1962, as in force from time to time, shall apply with necessary modifications as if the said provisions and the rules referred to the arrears of the amount mentioned in Section 8 of this Act instead of to the income-tax :

Provided that any reference in the said provisions and the rules to the "assessee" shall be construed as a reference to an employer as defined in this Act."

15. Amendment of Section 10.—In Section 10 of the principal Act, in sub-section (2), the following shall be added at the end, namely :—

"and shall also not be liable to attachment under any decree or order of any court".

16. Amendment of Section 11.—In Section 11 of the principal Act, in sub-section (2), for the words and brackets "in respect of the employee's contribution (deducted from the wages of the employee) for a period of more than six months", the words and brackets ", whether in respect of the employee's contribution (deducted from the wages of the employee) or the employer's contribution" shall be *substituted*.

17. Amendment of Section 13.—In Section 13 of the principal Act, sub-section (3) shall be *omitted*.

18. Amendment of Section 14.—In Section 14 of the principal Act,—

(*a*) in sub-section (1), for the words "six months, or with fine which may extend to one thousand rupees, or with both", the words "one year, or with fine of five thousand rupees, or with both" shall be *substituted* ;

(*b*) in sub-section (1-A)—

(*i*) in the opening portion, for the words "six months", the words "three years" shall be *substituted* ;

(*ii*) in clause (*a*), for the words "three months", the words "one year and a fine of ten thousand rupees" shall be *substituted* ;

(*iii*) for clause (*b*), the following clause shall be *substituted*, namely :—

"(*b*) which shall not be less than six months and a fine of five thousand rupees, in any other case :

(*iv*) the words "and shall also be liable to fine which may extend to two thousand rupees" shall be *omitted* ;

(*v*) in the proviso, the words "or of fine only in lieu of imprisonment" shall be *omitted* ;

(*c*) in sub-section (1-B),—

(*i*) for the words "six months", the words "one year" shall be *substituted* ;

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(*ii*) for the words "one month", the words "six months" shall be *substituted*;

(*iii*) for the words "two thousand rupees", the words "five thousand rupees" shall be *substituted*;

(*iv*) in the proviso, the words "or of fine only in lieu of imprisonment" shall be *omitted*;

(*d*) in sub-section (2), for the words "six months, or with fine which may extend to one thousand rupees, or with both", the words "one year, or with fine which may extend to four thousand rupees, or with both" shall be *substituted*;

(*e*) in sub-section (2-A), for the words "three months, or with fine which may extend to one thousand rupees, or with both", the words "six months, but which shall not be less than one month, and shall also be liable to fine which may extend to five thousand rupees" shall be *substituted*.

19. Amendment of Section 14-AA.—In Section 14-AA of the principal Act, for the words "one year but which shall not be less than three months and shall also be liable to fine which may extend to four thousand rupees", the words "five years, but which shall not be less than two years, and shall also be liable to a fine of twenty-five thousand rupees" shall be *substituted*.

20. Amendment of Section 14-B.—In Section 14-B of the principal Act,—

(*a*) for the words "from the employer such damages, not exceeding the amount of arrears as it may think fit to impose", the words "from the employer by way of penalty such damages, not exceeding the amount of arrears, as may be specified in the Scheme" shall be *substituted*;

(*b*) after the proviso, the following proviso shall be *inserted*, namely:—

"Provided further that the Central Board may reduce or waive the damages levied under this section in relation to an establishment which is a sick industrial company and in respect of which a scheme for rehabilitation has been sanctioned by the Board for Industrial and Financial Reconstruction established under Section 4 of the Sick Industrial Companies (Special Provisions) Act, 1985 (1 of 1986), subject to such terms and conditions as may be specified in the Scheme.

21. Amendment of Section 16.—In Section 16 of the principal Act,—

(*i*) in sub-section (1), for clause (*b*), the following clauses shall be *substituted*, namely:—

"(*b*) to any other establishment belonging to or under the control of the Central Government or a State Government and whose employees are entitled to the benefit of contributory provident fund or old age pension in accordance with any scheme or rule framed by the Central Government or the State Government governing such benefits; or

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(*c*) to any other establishment set up under any Central, Provincial or State Act and whose employees are entitled to the benefits of contributory provident fund or old age pension in accordance with any scheme or rule framed under that Act governing such benefits ; or

(*d*) to any other establishment newly set up, until the expiry of a period of three years from the date on which such establishment is, or has been, set up." ;

(*ii*) in sub-section (2), after the word "exempt", the words ",whether prospectively or retrospectively," shall be *inserted*.

NOTES

The intention behind Section 16 read with paragraph 26 quite clearly shows that the period is intended to give a breathing time to new establishments. That reason does not hold when the establishment is already old and well founded. *Ram Krishna Rao* v. *State of Kerala*, (1968) 2 SCR 819 : AIR 1968 SC 1367.

The period of infancy must be calculated from the date when the factory was established and not the date when the factory started employing 20 or more workers. *State of Punjab* v. *Satpal*, (1969) 3 SCC 910 : 1970 SCC (Cri) 176 ; *Provident Fund Inspector* v. *Secy., N. S. S. Co-op. Society*, (1970) 1 SCC 50 : 1970 SCC (Cri) 1.

Section 16(1)(*b*) of the Employees' Provident Funds Act, 1952 exempts establishments for three years from the date of their establishment. The mere fact that within the period of three years there is change of ownership does not mean that the date of establishment is changed. The fact that instead of manufacture of Diesel engines the new employer manufactured textile machinery parts also does not make any difference. *Lakshmi Rattan Engg. Works* v. *Regl. Provident Fund Commissioner*, (1966) 12 FLR 229 : (1966) 1 LLJ 741.

The mere fact that there was change in partnership does not show that after change there was a new establishment. The law of partnership is not applicable to Employees' Provident Funds Act. The change of location or change of composition of partners or even a change in the manufacturing process is not considered vital in the application of this law. *State of Punjab* v. *Satpal*, (1969) 3 SCC 910 : 1970 SCC (Cri) 176.

22. **Insertion of new Section 16-A.**—After Section 16 of the principal Act, the following section shall be *inserted*, namely :—

"16-A. *Authorising certain employers to maintain provident fund accounts.*—(1) The Central Government may, on an application made to it in this behalf by the employer and the majority of employees in relation to an establishment employing one hundred or more persons, authorise the employer, by an order in writing, to maintain a provident fund account in relation to the establishment, subject to such terms and conditions as may be specified in the Scheme :

Provided that no authorisation shall be made under this sub-section if the employer of such establishment had committed any default in the payment of provident fund contribution or had committed any other offence under this Act during the three years immediately preceding the date of such authorisation.

(2) Where an establishment is authorised to maintain a provident fund account under sub-section (1), the employer in relation to such establishment shall maintain such account, submit such return, deposit the contribution in such manner, provide for such facilities for inspection, pay such administrative charges, and abide by such other terms and conditions, as may be specified in the Scheme.

(3) Any authorisation made under this section may be cancelled by the Central Government by order in writing if the employer fails to

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comply with any of the terms and conditions of the authorisation or where he commits any offence under any provision of this Act :

Provided that before cancelling the authorisation, the Central Government shall give the employer a reasonable opportunity of being heard.".

23. Amendment of Section 17.—In Section 17 of the principal Act,—

(*a*) in sub-section (1),—

(*i*) for the words "exempt from the operation", the words "exempt, whether prospectively or retrospectively, from the operation" shall be *substituted*;

(*ii*) the following proviso shall be *added* at the end, namely :—

"Provided that no such exemption shall be made except after consultation with the Central Board which on such consultation shall forward its views on exemption to the appropriate Government within such time limit as may be specified in the Scheme." ;

(*b*) for sub-section (1-A), the following sub-sections shall be *substituted*, namely :—

"(1-A) Where an exemption has been granted to an establishment under clause (*a*) of sub-section (1),—

(*a*) the provisions of Sections 6, 7-A, 8 and 14-B shall, so far as may be, apply to the employer of the exempted establishment in addition to such other conditions as may be specified in the notification granting such exemption, and where such employer contravenes, or makes default in complying with any of the said provisions or conditions or any other provision of this Act, he shall be punishable under Section 14 as if the said establishment had not been exempted under the said clause (*a*) ;

(*b*) the employer shall establish a Board of Trustees for the administration of the provident fund consisting of such number of members as may be specified in the Scheme ;

(*c*) the terms and conditions of service of members of the Board of Trustees shall be such as may be specified in the Scheme ;

(*d*) the Board of Trustees constituted under clause (*b*) shall—

(*i*) maintain detailed accounts to show the contributions credited, withdrawals made and interest accrued in respect of each employee ;

(*ii*) submit such returns to the Regional Provident Fund Commissioner or any other officer as the Central Government may direct from time to time ;

(*iii*) invest the provident fund monies in accordance with the directions issued by the Central Government from time to time ;

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(*iv*) transfer, where necessary, the provident fund account of any employee; and

(*v*) perform such other duties as may be specified in the Scheme.

(1-B) Where the Board of Trustees established under clause (*b*) of sub-section (1-A) contravenes, or makes default in complying with, any provisions of clause (*d*) of that sub-section, the Trustees of the said Board shall be deemed to have committed an offence under sub-section (2-A) of Section 14 and shall be punishable with the penalties provided in that sub-section.

(1-C) The Central Provided Fund Commissioner may, by notification in the Official Gazette, and subject to such conditions as may be specified therein, exempt, whether prospectively or retrospectively, any employee or class of employees or any establishment from the operation of all or any of the provisions of the Family Pension Scheme, if such employee, class of employees or the employees of such establishment is or are in enjoyment of benefits in the nature of family pension, and the Central Provident Fund Commissioner is of the opinion that such benefits are on the whole not less favourable to such employees than the benefits provided under this Act or the Family Pension Scheme in relation to employees in any other establishment of a similar character.

(*c*) in sub-section (2-A), for the words "The Central Government may, if requested so to do by the employer, by notification in the Official Gazette, and subject to such conditions as may be specified in the notification, exempt any establishment from the operation of all or any of the provisions of the Insurance Scheme, if it is satisfied", the words "The Central Provident Fund Commissioner may, if requested so to do by the employer, by notification in the Official Gazette, and subject to such conditions as may be specified in the notification, exempt, whether prospectively or retrospectively, any establishment from the operation of all or any of the provisions of the Insurance Scheme, if he is satisfied" shall be *substituted*;

(*d*) in sub-section (3-A), in clause (*b*), the word "and" occurring at the end and clause (*c*) shall be *omitted*;

(*e*) in sub-section (4),—

(*i*) in clause (*a*), after the words "under that sub-section", the words, brackets, figure and letter "or sub-section (1-A)" shall be *inserted*;

(*ii*) in clause (*aa*), for the brackets, figure and letter "(1-A)", the brackets, figure and letter "(1-C)" shall be *substituted*;

(*f*) in sub-section (5),—

(*i*) for the brackets, figure and letter "(1-A)", the brackets, figure and letter "(1-C)" shall be *substituted*;

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(*ii*) after the words "he is employed", the words "together with any amount forfeited from the employer's share of contribution to the credit of the employee who leaves the employment before the completion of the full period of service" shall be *inserted*;

(*g*) in sub-section (6), for the brackets, figure and letter "(1-A)", the brackets, figure and letter "1-C" shall be *substituted*.

24. Substitution of new sections for Section 18.—For Section 18 of the principal Act, the following sections shall be *substituted*, namely:—

"*18. Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against the Central Government, a State Government, the Presiding officer of a Tribunal, any authority referred to in Section 7-A, an Inspector or any other person for anything which is in good faith done or intended to be done in pursuance of this Act, the Scheme, the Family Pension Scheme or the Insurance Scheme.

18-A. Presiding Officer and other officers to be public servants.—The Presiding Officer of a Tribunal, its officers and other employees, the authorities referred to in Section 7-A and every Inspector shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code (45 of 1860)."

25. Substitution of new sections for Section 19-A.—For Section 19-A of the principal Act, the following Sections shall be *substituted*, namely:—

"*20. Power of Central Government to give directions.*—The Central Government may, from time to time, give such directions to the Central Board as it may think fit for the efficient administration of this Act and when any such direction is given, the Central Board shall comply with such direction.

21. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the salary and allowances and other terms and conditions of service of the Presiding Officer and the employees of a Tribunal;

(*b*) the form and the manner in which, and the time within which, an appeal shall be filed before a Tribunal and the fees payable for filing such appeal;

(*c*) the manner of certifying the copy of the certificate, to be forwarded to the Recovery Officer under sub-section (2) of Section 8-C; and

(*d*) any other matter, which has to be, or may be, prescribed by rules under this Act.

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(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

22. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Act, as amended by the Employees' Provident Funds and Miscellaneous Provisions (Amendment) Act, 1988, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for the removal of the difficulty:

Provided that no such order shall be made after the expiry of a period of three years from the date on which the said amendment Act receives the assent of the President.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament."

26. **Amendment of Schedule IV.**—In Schedule IV to the principal Act, for Items 6 and 7, the following item shall be *substituted*, namely:—

"6. The scales of insurance benefits and conditions relating to the grant of such benefits to the employees."

27. **Amendment of Act 45 of 1860.**—In Section 405 of the Indian Penal Code, in *Explanation* 1, after the words "being an employer", the words and figures "of an establishment whether exempted under Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) or not" shall be *inserted*.

THE BENAMI TRANSACTIONS (PROHIBITION) ACT, 1988[1]

[ACT NO. 45 OF 1988]

[*September 5, 1988*]

CONTENTS

Sections

1. Short title, extent and commencement.
2. Definitions.
3. Prohibition of benami transactions.
4. Prohibition of the right to recover property held benami.
5. Property held benami liable to acquisition.
6. Act not to apply in certain cases.
7. Repeal of provisions of certain Acts.
8. Power to make rules.
9. Repeal and saving.

An Act to prohibit benami transactions and the right to recover property held benami and for matters connected therewith or incidental thereto

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1. Received the assent of the President of India on September 5, 1988 [C]

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Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows :—

Prefatory Note—Statement of Objects and Reasons.—To implement the recommendations of the Fifty-seventh Report of the Law Commission on Benami Transactions, the President promulgated the Benami Transactions (Prohibition of the Right to Recover Property) Ordinance, 1988, on the 19th May, 1988.

2. The Ordinance provided that no suit, claim or action to enforce any right in respect of any property held benami shall lie and no defence based on any right in respect of any property held benami shall be allowed in any suit, claim or action. It, however, made two exceptions regarding property held by a coparcener in a Hindu undivided family for the benefit of the coparceners and property held by a trustee or other person standing in a fiduciary capacity for the benefit of another person. It also repealed Section 82 of the Indian Trusts Act, 1882, Section 66 of the Code of Civil Procedure and Section 281-A of the Income-tax Act, 1961.

3. The provisions of the Ordinance received a mixed response from the press and the public. There had been critisism also that the Ordinance was a half-hearted measure and had not tackled the problem effectively and completely. It was, therefore, felt that the Bill to replace the Ordinance may be brought out as a comprehensive law on benami transactions touching all aspects and accordingly the Law Commission was requested to examine the subject in all its ramifications. The Law Commission has submitted its 130th Report titled "Benami Transactions— a Continuum" and has made certain recommendations.

4. The Law Commission has, inter alia, recommended the inclusion of the following provisions in the Bill to replace the Ordinance, namely :—

(*i*) benami transactions should cover all kinds of property;

(*ii*) entering into a benami transaction after the commencement of the new law should be declared as an offence. However, an exception should be made for transactions entered into by the husband or father for the transfer of properties in the name of the wife or unmarried daughter for their benefit. By this, the doctrine of advancement as obtaining in the English law will be incorporated into the Indian Statute Book;

(*iii*) voluntary organisations should be authorised to file complaints about the entering of benami transactions and the District Judges should be designated as Tribunals. Even Gram Nyayalas recommended by the Law Commission may also be utilised for this purpose;

(*iv*) as both the benamidar and the true owner are equal participants to a criminal transaction, by prohibiting the true owner's right to recover property held benami as provided in the Ordinance will be providing for an undue enrichment to the benamidar. As such, the Commission has suggested that the properties should be acquired from him by resorting to a procedure analogous to Chapter XXA of the Income-tax Act, 1961. It has been suggested that the same action has to be taken when benamidar retransfers the property back to the true owner for an apparent or no consideration to circumvent the provisions of the Ordinance;

(*v*) in addition to Section 82 of the Indian Trusts Act, 1882, as provided in the Ordinance, Sections 81 and 94 of that Act should also be omitted;

(*vi*) appointment of an authority, like, the Charity Commissioner, for supervising private trusts should be provided for.

5. The recommendations of the Law Commission have been examined. It is felt that all the recommendations of the Law Commission, except the recommendation regarding authorising voluntary organisations to file complaints before tribunals and the appointment of an authority, like the Charity Commissioner, for supervising private trusts, may be specifically provided in the Bill, and the other two recommendations would, it is felt, come into effect automatically as a result of the prohibition of benami transactions and the provision for acquisition of all properties held benami. The Bill accordingly provides for the following, among other things, namely :—

(*a*) entering into benami transactions after the commencement of the new law will be an offence, with an exception for the transfer of properties by the husband or father for the benefit of the wife or unmarried daughters;

(*b*) all the properties held benami will be subject to acquisition by such authority, in such manner and after following such procedure, as may be prescribed by rules under the proposed legislation. As a result of the provisions of the Ordinance and the prohibition of entering into benami transactions, the

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benamidar would be acquiring the rights to the property by the mere lending of his name and without investing any money for the purchase of such property. Accordingly, it is provided that no amount shall be payable for the acquisition of any property held benami;

(*c*) Sections 81 and 94 of the Indian Trusts Act, 1882 shall also be repealed.

6. The Bill seeks to achieve the above objects.

1. **Short title, extent and commencement.**—(1) This Act may be called the Benami Transactions (Prohibition) Act, 1988.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) The provisions of Sections, 3, 5 and 8 shall come into force at once, and the remaining provisions of this Act shall be deemed to have come into force on the 19th day of May, 1988.

2. **Definitions.**—In this Act, unless the context otherwise requires,—

(*a*) "benami transaction" means any transaction in which property is transferred to one person for a consideration paid or provided by another person;

(*b*) "prescribed" means prescribed by rules made under this Act;

(*c*) "property" means property of any kind, whether movable or immovable, tangible or intangible, and includes any right or interest in such property.

3. **Prohibition of benami transactions.**—(1) No person shall enter into any benami transaction.

(2) Nothing in sub-section (1) shall apply to the purchase of property by any person in the name of his wife or unmarried daughter and it shall be presumed, unless the contrary is proved, that the said property had been purchased for the benefit of the wife or the unmarried daughter.

(3) Whoever enters into any benami transaction shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), an offence under this section shall be non-cognizable and bailable.

4. **Prohibition of the right to recover property held benami.**—(1) No suit, claim or action to enforce any right in respect of any property held benami against the person in whose name the property is held or against any other person shall lie by or on behalf of a person claiming to be the real owner of such property.

(2) No defence based on any right in respect of any property held benami, whether against the person in whose name the property is held or against any other person, shall be allowed in any suit, claim or action by or on behalf of a person claiming to be the real owner of such property.

(3) Nothing in this section shall apply,—

(*b*) where the person in whose name the property is held is a coparcener in a Hindu undivided family and the property is held for the benefit of the coparceners in the family; or

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(*b*) where the person in whose name the property is held is a trustee or other person standing in a fiduciary capacity, and the property is held for the benefit of another person for whom he is a trustee or towards whom he stands in such capacity.

NOTES

Though benami transactions are common in this country and there is nothing per se wrong in a judgment-debtor purchasing property in another man's name, we have to take into account all the circumstances attending the purchase and his subsequent conduct for finding out whether it was part of a fraudulent scheme on his part to prevent the judgment-creditor from realizing the fruits of his decree. *Yeswant* v. *Watchand*, (1951) SCR 852 : AIR 1951 SC 16.

Where both parties do not show that there was any conspiracy to defraud a third person or to commit any other illegal act, the maxim, in pari delicto etc. can hardly be made applicable. *Kedarnath* v. *Prahlad Rai*, 1960 (1) SCR 861 : AIR 1960 SC 213.

5. Property held benami liable to acquisition.—(1) All properties held benami shall be subject to acquisition by such authority, in such manner and after following such procedure, as may be prescribed.

(2) For the removal of doubts, it is hereby declared that no amount shall be payable for the acquisition of any property under sub-section (1).

6. Act not to apply in certain cases.—Nothing in this Act shall affect the provisions of Section 53 of the Transfer of Property Act, 1882 (4 of 1882), or any law relating to transfers for an illegal purpose.

7. Repeal of provisions of certain Acts.—(1) Sections 81, 82 and 94 of the Indian Trusts Act, 1882 (2 of 1882), Section 66 of the Code of Civil Procedure, 1908 (5 of 1908), and Section 281-A of the Income-tax Act, 1961 (43 of 1961), are hereby repealed.

(2) For the removal of doubts, it is hereby declared that nothing in sub-section (1) shall affect the continued operation of Section 281-A of the Income-tax Act, 1961 (43 of 1961), in the State of Jammu and Kashmir.

8. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the authority competent to acquire properties under Section 5 ;

(*b*) the manner in which, and the procedure to be followed for, the acquisition of properties under Section 5 ;

(*c*) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

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9. **Repeal and saving.**—(1) The Benami Transactions (Prohibition of the Right to Recover Property) Ordinance, 1988 (Ord. 2 of 1988), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

THE BHARAT PETROLEUM CORPORATION LIMITED (DETERMINATION ON CONDITIONS OF SERVICE OF EMPLOYEES) ACT, 1988[1]

[ACT NO. 44 OF 1988]

[*3rd September, 1988*]

CONTENTS

Sections

1. Short title and commencement.
2. Definitions.
3. Power of Central Government to frame schemes to determine conditions of service of officers and employees.
4. Repeal and saving.

An Act to empower the Central Government to determine the conditions of service of the officers and employees of Bharat Petroleum Corporation Limited and for matters connected therewith

Whereas for the purpose of making the conditions of service of the officers and employees of the Bharat Petroleum Corporation Limited comparable with the conditions of service of the officers and employees of other public sector companies, it is necessary to empower the Central Government to determine the conditions of service of the officers and employees of the said Corporation ;

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Bharat Petroleum Corporation Limited (Determination of Conditions of Service of Employees) Act, 1988.

(2) It shall be deemed to have come into force on the 2nd day of July, 1988.

2. **Definitions.**—In this Act, unless the context otherwise requires,—

(*a*) "Burmah Shell" means the Burmah Shell Oil Storage and Distributing Company of India Limited, a foreign company within the meaning of Section 591 of the Companies Act, 1956 (1 of 1956), as it existed immediately before the appointed day under the Burmah Shell (Acquisition of Undertakings in India) Act, 1976 (2 of 1976) ;

(*b*) "Burmah Shell Refineries" means the Burmah Shell Refineries Limited, a company registered under the Indian Companies Act, 1913 (7 of 1913), as it existed immediately before it became a Government company ;

(*c*) "Corporation" means the Bharat Petroleum Corporation Limited, a Government company, as defined in Section 617 of the Companies Act, 1956 (1 of 1956) ;

1. Received the assent of the President on September 3, 1988 [C]

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NOTES

A corporation is an artificial being created by law having a legal entity entirely separate and distinct from the individuals who compose it with the capacity of continuous existence and succession, notwithstanding changes in its membership. In addition, it possesses the capacity as such legal entity of taking, holding and conveying property, entering into contracts, suing and being sued, and exercising such other powers and privileges as may be conferred on it by the law of its creation just as a natural person may. *S.S. Dhanoa* v. *Municipal Corporation*, (1981) 3 SCC 431 : 1982 SCC (L & S) 6 : 1981 SCC (Cri) 733.

(*d*) "officers and employees of the Corporation" includes, —

(*i*) the officers and employees who were in the service of the Burmah Shell Refineries and who continued to be in the service of the said company after it became a Government company ; and

(*ii*) the officers and employees who were in the service of Burmah Shell and whose services were transferred to the Corporation by Section 9 of the Burmah Shell (Acquisition of Undertakings in India) Act, 1976 (2 of 1976) ;

(*e*) "public sector company" means any corporation established by or under any Central Act or a Government company as defined in Section 617 of the Companies Act, 1956 (1 of 1956).

3. Power of Central Government to frame schemes to determine conditions of service of officers and employees.—(1) Where the Central Government is satisfied that for the purpose of making the conditions of service of the officers and employees of the Corporation comparable with the conditions of service of the officers and employees of other public sector companies, it is necessary so to do, it may, notwithstanding anything contained in the Industrial Disputes Act, 1947 (14 of 1947), or any other law or any agreement, settlement, award or other instrument for the time being in force, and notwithstanding any judgment, decree or order of any court, tribunal or other authority, frame one or more schemes for the purpose of determination of the conditions of service of the officers and employees of the Corporation.

(2) While framing any scheme under sub-section (1), it shall be competent for the Central Government to provide for the continuance, after the commencement of any such scheme, of such of the emoluments or other benefits as were payable to, or entitled to be received by, the officers and employees of the Corporation referred to in sub-clause (*i*) or sub-clause (*ii*) of clause (*d*) of Section 2 immediately before the Burmah Shell Refineries became a Government company, or as the case may be, immediately before the appointed day under the Burmah Shell (Acquisition of Undertakings in India) Act, 1976 (2 of 1976).

(3) The Central Government may make a scheme to amend or vary any scheme made under sub-section (1).

(4) The power to make any scheme under sub-section (1) or sub-section (3) shall include,—

(*a*) the power to give retrospective effect to any such scheme or any provision thereof; and

(*b*) the power to amend, by way of addition, variation or repeal, any existing provisions determining the conditions of service of the officers and employees of the Corporation in force immediately before the commencement of this Act.

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(5) Every scheme made under sub-section (1) or sub-section (3) shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the scheme, or both Houses agree that the scheme should not be made, the scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that scheme.

4. **Repeal and saving.**—(1) The Bharat Petroleum Corporation Limited (Determination of Conditions of Service of Employees) Ordinance, 1988 (6 of 1988), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

THE FOOD CORPORATIONS (AMENDMENT) ACT, 1988[1]

[ACT No. 36 OF 1988]

[*20th August, 1988*]

An Act further to amend the Food Corporations Act, 1964

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows :—

1. **Short title.**—This Act may be called the Food Corporations (Amendment) Act, 1988.

2. **Amendment of Act 37 of 1964.**—In Section 27 of the Food Corporations, Act, 1964, for sub-section (1), the following sub-section shall be *substituted*, namely :—

"(1) A Food Corporation may, for the purpose of carrying out its functions under this Act,—

(*a*) take advances against stocks of foodgrains or other foodstuffs held by it, or borrow money—

(*i*) from any scheduled bank, or

(*ii*) from any other bank or financial institution approved by the Central Government in this behalf, or

(*iii*) from any other authority, organisation or institution or from the public on such terms and conditions as may be approved by the Central Government; or

(*b*) issue and sell bonds and debentures carrying interest at such rates as may be fixed by the Central Government at the time the bonds or debentures are issued :

Provided that the amount borrowed by a Food Corporation under this sub-section shall not at any time exceed ten times the paid-up capital and the reserve fund established under Section 33.".

NOTES

Foodstuff.—Any stuff which is commonly used as food by the generality of living being is foodstuff. *Sat Pal Gupta* v. *State of Haryana*, (1982) 1 SCC 610: 1982 SCC (Cri) 327.

1. Received the assent of the President on August 20, 1988 and published in the Gazette of India, Extra., Part II, Section 1, dated 22nd August, 1988, pp. 1-2 [C]

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THE CINE-WORKERS AND CINEMA THEATRE WORKERS (REGULATION OF EMPLOYMENT) AMENDMENT ACT, 1988[1]

[No. 35 OF 1988]

[*12th August, 1988*]

An Act to amend the Cine-workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows :—

Prefatory Note—Statement of Objects and Reasons.—The Cine-workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 (Cine-workers Act) came into force on the 1st October, 1984. Under the provisions of the Act, the Central Government has been given the power to do all such acts and things as are necessary for the administration of the Act, like the appointment of Conciliation Officers, constitution of Tribunals, publication of the awards of the Tribunals, etc.

2. Under the Industrial Disputes Act, the appropriate Government in relation to establishments in the cinema industry is the State Government concerned. Further, such establishments are covered by the Shops and Establishments Acts which are State Acts and are administered by the State Governments. It is, therefore, considered necessary that the same agency which administers the Industrial Disputes Act in relation to the establishments in the cinema industry should be administering the Cine-workers Act so that cohesion and efficiency in the enforcement of both the Acts are ensured. This is proposed to be achieved by including a suitable provision in the Cine-workers Act to provide for the delegation of powers of the Central Government to the State Governments or officers or authorities subordinate to them.

3. The Bill seeks to achieve the above objects.

1. Short title.—This Act may be called the Cine-workers and Cinema Theatre Workers (Regulation of Employment) Amendment Act, 1988.

2. Insertion of new Section 22-A.—After Section 22 of the Cine-workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 (50 of 1981), the following section shall be *inserted*, namely :—

"*22-A. Delegation of powers.*—The Central Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act or rules made thereunder (other than the powers conferred by this section and Section 23) shall, in relation to such matters and subject to such conditions, if any, as may be specified in the notification be exercisable also by the State Government or by such officer or authority subordinate to the State Government as may be specified in the notification."

NOTES

A delegate who is authorised by the principal cannot in turn, delegate his own authority to a delegate of his own. *State of Bombay* v. *Shivabalak*, (1965) 1 SCR 211 : AIR 1965 SC 661.

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1. Received the assent of the President on August 12, 1988 and published in the Gazette of India, Extra., Part II, Section 1, dated 16th August, 1988. [C]

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THE RELIGIOUS INSTITUTIONS (PREVENTION OF MISUSE) ACT, 1988[1]

[No. 41 OF 1988]

[*1st September, 1988*]

CONTENTS

Sections

1. Short title, extent and commencement.
2. Definitions.
3. Prohibition of use of religious institutions for certain purposes.
4. Restrictions on carrying arms and ammunition into a religious institution.
5. Prohibition of use of funds of religious institutions for certain activities.
6. Prohibition of religious fora for propagating political ideas.
7. Penalties.
8. Disqualification of persons convicted or chargesheeted under this Act.
9. Certain persons bound to give information of police.
10. Repeal and saving.

An Act to prevent the misuse of religious institutions for political and other purposes

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows :—

1. Short title, extent and commencement.—(1) This Act may be called the Religious Institutions (Prevention of Misuse) Act, 1988.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall be deemed to have come into force on the 26th day of May, 1988.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "ammunition" shall have the same meaning as in clause (*b*) of sub-section (1) of Section 2 of the Arms Act, 1959 (54 of (1959) ;

NOTES

"Crackers" are not ammunition *Kifayatullah* v. *Emperor*, 32 Cri LJ 564.

A piece of lead in the shape of a bullet is ammunition *Emperor* v. *Bhopal Singh*, AIR 1936 All 392.

Gun powder is ammunition (1885) 8 Mad 202.

(*b*) "arms" shall have the same meaning as in clause (*c*) of sub-section (1) of Section 2 of the Arms Act, 1959 (54 of 1959) ;

(*c*) "manager", in relation to a religious institution, means every person, including any religious functionary (by whatever name called), who, for the time being, either alone or in association with other persons, administers, manages or otherwise controls the affairs of that institution, its functions or properties ;

(*d*) "political activity" includes any activity promoting or propagating the aims or objects of a political party or any cause, issue or question of a political nature by organising

1. Received the assent of the President on September 1, 1988 and published in the Gazette of India, Extra., Part II, Section 1, dated 2nd September, 1988, pp. 1-4 [C]

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meetings, demonstrations, processions, collection or disbursement of funds, or by the issue of directions or decrees, or by any other means, and includes also such activity by or on behalf of a person seeking election as a candidate for any election to Parliament, any State Legislature or any local authority;

(*e*) "political party" means an association or body of persons—

(*i*) which is, or is deemed to be, registered, with the Election Commission of India as a political party under the Election Symbols (Reservation and Allotment) Order, 1968, as in force for the time being; or

(*ii*) which has set up candidates for election to any legislature, but is not registered, or deemed to be registered, as a political party, under the Election Symbols (Reservation and Allotment) Order, 1968; or

(*iii*) organised to carry on any political activity or to acquire or exercise political power through election or otherwise;

(*f*) "religious institution" means an institution for the promotion of any religion or persuasion, and includes any place or premises used as a place of public religious worship, by whatever name or designation known.

3. Prohibition of use of religious institutions for certain purposes.—No religious institution or manager thereof shall use or allow the use of any premises belonging to, or under the control of, the institution—

(*a*) for the promotion or propagation of any political activity; or

(*b*) for the harbouring of any person accused or convicted of an offence under any law for the time being in force; or

(*c*) for the storing of any arms or ammunition; or

(*d*) for keeping any goods or articles in contravention of any law for the time being in force; or

(*e*) for erecting or putting up of any construction or fortification, including basements, bunkers, towers or walls without a valid licence or permission under any law for the time being in force; or

(*f*) for the carrying on of any unlawful or subversive act prohibited under any law for the time being in force or in contravention of any order made by any court; or

(*g*) for the doing of any act which promotes or attempts to promote disharmony or feelings of enmity, hatred or ill-will between different religious,racial, language or regional groups or castes or communities; or

(*h*) for the carrying on of any activity prejudicial to the sovereignty, unity and integrity of India; or

(*i*) for the doing of any act in contravention of the provisions of the Prevention of Insults to National Honour Act, 1971 (69 of 1971).

4. Restrictions on carrying arms and ammunition into a religious institution.—No religious institution or manager thereof shall allow the entry of any arms or ammunition or of any person carrying any arms or ammunition into the religious institution:

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Provided that nothing in this section shall apply to—

(*a*) the wearing and carrying of a *kirpan* by any person professing the Sikh religion ; or

(*b*) any arms which are used as part of any religious ceremony or ritual of the institution as established by custom or usage.

5. Prohibition of use of funds of religious institutions for certain activities.—No religious institution or manager thereof shall use or allow the use of any funds or other properties belonging to, or under the control of, the institution for the benefit of any political party or for the purpose of any political activity or for the commission of any act which is punishable as an offence under any law.

6. Prohibition of religious fora for propagating political ideas.—No religious institution or manager thereof shall allow any ceremony, festival, congregation, procession or assembly organised or held under its auspices to be used for any political activity.

7. Penalties.—Where any religious institution or manager thereof contravenes the provisions of Section 3, Section 4, Section 5 or Section 6, the manager and every person connected with such contravention shall be punishable with imprisonment for a term which may extend to five years and with fine which may extend to ten thousand rupees.

8. Disqualification of persons convicted or chargesheeted under this Act.—(1) Any manager or other employee of a religious institution shall, upon conviction for an offence under this Act, stand removed from his office or post and shall, notwithstanding anything to the contrary contained in any other law, be disqualified for appointment in any religious institution as manager or in any other capacity for a period of six years from the date of his conviction.

(2) Where any manager or other employee of a religious institution is accused of an offence under this Act and a charge-sheet for the prosecution of such person is filed in any court and the court is of the opinion, after considering the charge-sheet and after hearing the prosecution and the accused, that a *prima facie* case exists, it shall pass an order or direction restraining the person from exercising the powers or discharging the duties of his office or post pending trial.

(3) Where any manager or other employee has been removed under sub-section (1), or restrained under sub-section (2), the vacancy arising out of such removal or restraint may be filled in the manner provided in the law applicable to the said religious institution.

9. Certain persons bound to give information of police—Every manager or other employee of a religious institution shall be bound to give information to the officer incharge of the police station within whose local jurisdiction the religious institution is situate of any contravention or any impending contravention of the provisions of this Act and any failure to do so shall be punishable under Section 176 of the Indian Penal Code (45 of 1860).

10. Repeal and saving.—(1) The Religious Institutions (Prevention of Misuse) Ordinance, 1988 (Ord. 3 of 1988) is hereby repealed.

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(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

THE ARMS (AMENDMENT) ACT, 1988[1]

[No 42 OF 1988]

[*1st September, 1988*]

CONTENTS

Sections

1. Short title and commencement.
2. Amendment of Section 2.
3. Amendment of Section 5.
4. Amendment of Section 7.
5. Amendment of Section 25.
6. Substitution of new section for Section 27.
7. Repeal and saving.

An Act further to amend the Arms Act, 1959

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Arms (Amendment) Act, 1988.

(2) It shall be deemed to have come into force on the 27th day of May, 1988.

2. Amendment of Section 2.—In Section 2 of the Arms Act, 1959 (54 of 1959) (hereinafter referred to as the principal Act), in sub-section (1),—

(*i*) in clause (*b*), in sub-clause (*i*), for the words "and other like missiles", the words "and other missiles", shall be *substituted*;

(*ii*) in clause (*h*), after the word "shells," the word "missiles," shall be *inserted*.

3. Amendment of Section 5.—In sub-section (1) of Section 5 of the principal Act, in clause (*a*), for the word "manufacture", the words "use, manufacture" shall be *substituted*.

4. Amendment of Section 7.—In Section 7 of the principal Act, in clause (*b*), for the word "manufacture", the words "use, manufacture" shall be *substituted*.

5. Amendment of Section 25.—In Section 25 of the principal Act,—

(*a*) in sub-section (1), clause (*c*) shall be *omitted*;

(*b*) sub-section (1-A) shall be *renumbered* as sub-section (1-AAA) thereof, and before sub-section (1-AAA) as so renumbered, the following sub-sections, shall be *inserted*, namely :—

1. Received the assent of the President on September 1, 1988 and published in the Gazette of India, Extra., Part II, Section 1, dated 2nd September, 1988. [C]

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"(1-A) Whoever acquires, has in his possession or carries any prohibited arms or prohibited ammunition in contravention of Section 7 shall be punishable with imprisonment for a term which shall not be less than five years, but which may extend to ten years and shall also be liable to fine.

(1-AA) Whoever manufactures, sells, transfers, converts, repairs, tests or proves, or exposes or offers for sale or transfer or has in his possession for sale, transfer, conversion, repair, test or proof, any prohibited arms or prohibited ammunition in contravention of Section 7 shall be punishable with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life and shall also be liable to fine".

NOTES

"Crackers" are not ammunition *Kifayatullah* v. *Emperor*, 32 Cr LJ 564.

A piece of lead in the shape of a bullet is ammunition. *Emperor* v. *Bhopal Singh*, AIR 1936 All 392.

Gun powder is ammunition (1885) 8 Mad 202.

Instrument consisting of lathi and an axe like blade not used for domestic purposes is arm. *Emperor* v. *Puran Singh*, AIR 1927 Lah 162.

Possession of Kirpan is not an offence unless a notification has been issued by the Central Government *State* v. *Munna*, 1972 ALJ 701.

6. Substitution of new section for Section 27.—For Section 27 of the principal Act, the following section shall be *substituted*, namely :—

"*27. Punishment for using arms, etc.*—(1) Whoever uses any arms or ammunition in contravention of Section 5 shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and shall also be liable to fine.

(2) Whoever uses any prohibited arms or prohibited ammunition in contravention of Section 7 shall be punishable with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life and shall also be liable to fine.

(3) Whoever uses any prohibited arms or prohibited ammunition or does any act in contravention of Section 7 and such use or act results in the death of any other person, shall be punishable with death."

7. Repeal and saving.—(1) The Arms (Amendment) Ordinance, 1988 (Ord. 5 of 1988), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

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THE NATIONAL SECURITY (AMENDMENT) ACT, 1988[1]

[No. 43 OF 1988]

[*1st September, 1988*]

CONTENTS

Sections

1. Short title and commencement.
2. Amendment of Section 14-A.

Section

3. Repeal and saving.

An Act further to amend the National Security Act, 1980, in its application to the State of Punjab and the Union territory of Chandigarh

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows :—

1. **Short title and commencement.**—(1) This Act may be called the National Security (Amendment) Act, 1988.

(2) It shall be deemed to have come into force on the 26th day of May, 1988.

2. **Amendment of Section 14-A.**—In the Notional Security Act, 1980 (65 of 1980) (hereinafter referred to as the principal Act), as applicable to the State of Punjab and the Union territory of Chandigarh, in sub-section (1) of Section 14-A, for the figures, letters and words "8th day of June, 1988", the figures, letters and words "8th day of June, 1989" shall be *substituted.*

3. **Repeal and saving.**—(1) The National Security (Amendment) Ordidance, 1988 (Ord. 4 of 1988) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amendment by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

NOTES

Preventive detention law, how to be construed.—Preventive detention for the social protection of the community is a hard law but, it is a necessary evil in the modern society and must be pragmatically construed, so that it works, does not endanger social defence or the defence of the community and at the same time does not infringe the liberties of the citizens. A balance should always be struck. *Raj Kumar Singh* v. *State of Bihar*, (1986) 4 SCC 407, 413 : 1986 SCC (Cri) 481.

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1. Received the assent of the President on September 1, 1988 and published in the Gazette of India, Extra., Part II, Section 1, dated 2nd September, 1988. [C]

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THE MERCHANT SHIPPING (AMENDMENT) ACT, 1988[1]

[55 OF 1988]

[*1st October, 1988*]

CONTENTS

Sections		*Sections*	
1.	Short title and commencement.	4.	Amendment of Section 352-K.
2.	Amendment of Section 352-H.	5.	Amendment of Section 352-N.
3.	Amendment of Section 352-J.	6.	Amendment of Section 352-O.

An Act further to amend the Merchant Shipping Act, 1958

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Merchant Shipping (Amendment) Act, 1988.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. **Amendment of Section 352-H.**—In Section 352-H of the Merchant Shipping Act, 1958 (44 of 1958), (hereinafter referred to as the principal Act),—

(*a*) in sub-section (1),—

(*i*) the brackets and figure "(1)" shall be *omitted*;

(*ii*) after clause (*e*), the following clause shall be *inserted*, namely :—

"(*f*) 'tonnage' means the tonnage of a ship determined in accordance with the provisions of Section 352-B and where it is not so determinable, it means forty per cent of the weight in tons of oil cargo the ship is capable of carrying.";

(*b*) sub-section (2) shall be *omitted*.

NOTES

Section 352-B specifies the amounts to which the owner of a vessel may limit his liability. The limits of liability have to be calculated with reference to the tonnage of the vessel concerned and where the tonnage is less than 300 tons, the vessel will be treated for purposes of such computation as of 300 tons—*See S. 352-B, Merchant Shipping Act, 1958.*

3. **Amendment of Section 352-J.**—In Section 352-J of the principal Act, in sub-section (1), for clauses (*a*) and (*b*), the following clauses shall be *substituted*, namely :—

"(*a*) one hundred and thirty-three Special Drawing Rights for each ton of the ship's tonnage ; or

(*b*) fourteen million Special Drawing Rights,".

4. **Amendment of Section 352-K.**—In Section 352-K of the principal Act, for sub-section (3), the following sub-section shall be *substituted*, namely :—

"(3) The amount in Special Drawing Rights to be deposited or secured in the fund under sub-section (1) shall be converted in rupees on the basis of official value in rupees of the Special Drawing Rights as determined by the Reserve Bank of India on the date of constitution of the fund.".

1. Received the assent of the President on October 1, 1988. [C]

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5. **Amendment of Section 352-N.**—In Section 352-N of the principal Act,—

(*i*) in sub-section (1), for clauses (*a*) and (*b*), the following clauses shall be *substituted*, namely :—

"(*a*) one hundred and thirty-three Special Drawing Rights for each ton of the ship's tonnage ; or

(*b*) fourteen million Special Drawing Rights," ;

(*ii*) in sub-section (3), after the word and figures "November, 1969", the words ",as amended from time to time" shall be *inserted*.

6. **Amendment of Section 352-O.**—In Section 352-O of the principal Act, after the word and figures "November, 1969,", the words "as amended from time to time," shall be *inserted*.

THE DOCK WORKERS (REGULATION OF EMPLOYMENT) AMENDMENT ACT, 1988[1]

[56 OF 1988]

[*1st October, 1988*]

An Act further to amend the Dock Workers (Regulation of Employment) Act, 1948

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows :—

1. **Short title.**—This Act may be called the Dock Workers (Regulation of Employment) Amendment Act, 1988.

2. **Insertion of new Sections 5-D and 5-E.**—After Section 5-C of the Dock Workers (Regulation of Employment) Act, 1948 (5 of 1948), the following sections shall be *inserted*, namely :—

"5-D. *Annual report.*—Every Board shall prepare, in such form and at such time in each financial year as may be specified by rules made under this Act, its annual report, giving full account of its activities during the previous financial year, and submit a copy thereof to the Government.

5-E. *Annual report and audited accounts to be laid before Parliament or Legislature.*—The annual report, and the audited accounts of the Board, together with auditor's report thereon and a review by the Government on the working of the Board, shall, within a period of nine months of the close of the financial year, be laid before each House of Parliament, if such report and accounts have been submitted to the Central Government, and before the Legislature of the State, if such report and accounts have been submitted to the State Government :

Provided that where such report, accounts and the review are not laid before Parliament or, as the case may be, before the Legislature of the State within the said period, the same shall be so laid thereafter along with the reasons for the delay.".

NOTES

Dismissal of registered dock workers on the basis of their preventive detention for committing acts prejudicial to maintenance of public order, without holding proper departmental enquiry, held, violates principles of natural justice, AIR 1966 SC 282.

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1. Received the assent of the President on October 1, 1988. [C]

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THE DELHI RENT CONTROL (AMENDMENT) ACT, 1988[1]

[No. 57 OF 1988]

[*5th October, 1988*]

CONTENTS

Sections		*Sections*	
1.	Short title and commencement.	11.	Amendment of Section 21.
2.	Amendment of Section 3.	12.	Amendment of Section 22.
3.	Amendment of Section 6.	13.	Amendment of Section 25-B.
4.	Insertion of new Section 6-A.	14.	Amendment of Section 26.
5.	Amendment of Section 7.	15.	Amendment of Section 27.
6	Amendment of Section 9.	16.	Amendment of Section 38.
7.	Amendment of Section 12.	17.	Omission of Section 39.
8.	Amendment of Section 14.	18.	Amendment of Section 48.
9.	Insertion of new Sections 14-B and 14-C.	19.	Amendment of Section 49.
10.	Amendment of Section 19.	20.	Amendment of Section 56.

An Act further to amend the Delhi Rent Control Act, 1958

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows :—

Prefatory Note—Statement of Objects and Reasons.—The Delhi Rent Control Act, 1958 (59 of 1958) which came into effect on 9th February, 1959, provides for control of rents and lodging houses and for the lease of vacant premises to the Government within the Union Territory of Delhi.

2. For quite sometime, there have been demands from the Associations of house owners as well as tenants for amendment of Delhi Rent Control Act, 1958. The Committee on Petitions of Rajya Sabha, The Economic Administration Reforms Commission, Secretaries Committee and National Commission on Urbanisation have also recommended amendment of certain provisions of the Act. Considering these demands/recommendations as also the fact that with the passage of time, the circumstances have also changed, necessitating a fresh look at the tenant-landlord relationship, the amendment of Delhi Rent Control Act, 1958 has been proposed with the following objects :—

(*a*) To rationalise the present rent control law by bringing about a balance between the interests of land-lords and tenants.

(*b*) To give a boost to house building activity and maintain the existing housing stock in a reasonable state of repairs.

(*c*) To reduce litigation between landlords and tenants and to ensure expeditious disposal of disputes between them.

3. The Bill seeks to achieve the above objects.

1. **Short title and commencement.**—(1) This Act may be called the Delhi Rent Control (Amendment) Act, 1988.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. **Amendment of Section 3.**—In Section 3 of the Delhi Rent Control Act, 1958 (59 of 1958), (hereinafter referred to as the principal Act),—

(*i*) in clause (*a*), the word "or" shall be *omitted*;

(*ii*) after the proviso, the following clauses shall be *inserted*, namely :—

"(*c*) to any premises, whether residential or not, whose monthly rent exceeds three thousand and five hundred rupees; or

1. Received the assent of the President on October 5, 1988 and published in the Gazette of India, Extra., Part II, Section 1, dated 7th October 1988, pp. 1-6 [W]

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(*d*) to any premises constructed on or after the commencement of the Delhi Rent Control (Amendment) Act, 1988, for a period of ten years from the date of completion of such construction.".

3. **Amendment of Section 6.**—In Section 6 of the principal Act,—

(*a*) in sub-section (1),—

(*i*) in clause (*A*), in sub-clause (2), in item (*b*),—

(*a*) for the words "seven and one-half per cent.", the words "ten per cent" shall be *substituted*;

(*b*) for the word "reasonable", the word "actual" shall be *substituted*;

(*c*) the proviso shall be *omitted*;

(*ii*) in clause (*B*), in sub-clause (2), in item (*b*),—

(*a*) for the words "seven and one-half per cent.", the words "ten per cent" shall be *substituted*;

(*b*) for the word "reasonable", the word "actual" shall be *substituted*;

(*c*) the proviso shall be *omitted*;

(*b*) in sub-section (2),—

(*i*) in clause (*a*), the word "and" occurring at the end shall be *omitted*;

(*ii*) in clause (*b*), after the words "the commencement of this Act,", the words, brackets and figures "but before the commencement of the Delhi Rent Control (Amendment) Act, 1988" shall be *inserted*;

(*iii*) after clause (*b*), the following clause shall be *inserted*, namely:—

"(*c*) in the case of any premises, whether residential or not, constructed on or after the commencement of the Delhi Rent Control (Amendment) Act, 1988 and to which the provisions of this Act are made applicable by virtue of clause (*d*) of Section 3, the rent calculated on the basis of ten per cent per annum of the aggregate amount of the actual cost of construction of the premises and the market price of the land comprised in the premises on the date of commencement of the construction of the premises shall be deemed to be the standard rent.".

4. **Insertion of new Section 6-A.**—After Section 6 of the principal Act, the following section shall be *inserted*, namely:—

"*6-A. Revision of rent.*—Notwithstanding anything contained in this Act, the standard rent, or, where no standard rent is fixed under the provisions of this Act in respect of any premises, the rent agreed upon between the landlord and the tenant, may be increased by ten per cent every three years.".

5. **Amendment of Section 7.**—In sub-section (1) of Section 7 of the principal Act, for the words "seven and one-half per cent", the words "ten per cent" shall be *substituted*.

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6. **Amendment of Section 9.**—In Section 9 of the principal Act, to sub-section (2), the following proviso shall be *added*, namely :—

"Provided that in working out the cost of construction of any premises or the market price of the land comprised in such premises for the purposes of Section 6, or the cost of improvement, addition or alteration referred to in Section 7, the Controller may take the assistance of any valuer approved by the Central Government in accordance with such rules as may be prescribed and the assessment shall be made by such valuer in the manner prescribed.".

7. **Amendment of Section 12.**—In Section 12 of the principal Act,—

(*i*) in clause (*b*), in the opening portion, after the words "commencement of this Act", the words, brackets and figures "but before the commencement of the Delhi Rent Control (Amendment) Act, 1988" shall be *inserted*;

(*ii*) before the proviso, the following clause shall be *inserted*, namely :—

"(*d*) in the case of any premises referred to in clause (*c*) of sub-section (2) of Section 6, within two years from the date of such application :".

8. **Amendment of Section 14.**—In the proviso to sub-section (1) of Section 14 of the principal Act,—

(*i*) in clause (*h*), the word "built," shall be *omitted*;

(*ii*) after clause (*h*), the following clause shall be *inserted*, namely :—

"(*hh*) that the tenant has, after the commencement of the Delhi Rent Control (Amendment) Act, 1988, built a residence and ten years have elapsed thereafter;".

9. **Insertion of new Sections 14-B and 14-C.**—After Section 14-A of the principal Act, the following sections shall be *inserted*, namely :—

'*14-B. Right to recover immediate possession of premises to accrue to members of the armed forces, etc.*—(1) Where the landlord—

(*a*) is a released or retired person from any armed forces and the premises let out by him are required for his own residence; or

(*b*) is a dependent of a member of any armed forces who had been killed in action and the premises let out by such member are required for the residence of the family of such member,

such person or, as the case may be, the dependent may, within one year from the date of his release or retirement from such armed forces or, as the case may be, the date of death of such member, or within a period of one year from the date of commencement of the Delhi Rent Control (Amendment) Act, 1988, whichever is later, apply to the Controller for recovering the immediate possession of such premises.

(2) Where the landlord is a member of any of the armed forces and has a period of less than one year preceding the date of his retirement and the premises let out by him are required for his own residence after his retirement, he may, at any time, within a period of one year before the date of his retirement, apply to the Controller for recovering the immediate possession of such premises.

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(3) Where the landlord referred to in sub-section (1) or sub-section (2) has let out more than one premises, it shall be open to him to make an application under that sub-section in respect of only one of the premises chosen by him.

Explanation.—For the purposes of this section, "armed forces" means an armed force of the Union constituted under an Act of Parliament and includes a member of the police force constituted under Section 3 of the Delhi Police Act, 1978 (34 of 1978).

14-C. Right to recover immediate possession of premises to accrue to Central Government and Delhi Administration employees.—(1) Where the landlord is a retired employee of the Central Government or of the Delhi Administration, and the premises let out by him are required for his own residence, such employee may, within one year from the date of his retirement or within a period of one year from the date of commencement of the Delhi Rent Control (Amendment) Act, 1988, whichever is later, apply to the Controller for recovering the immediate possession of such premises.

(2) Where the landlord is an employee of the Central Government or of the Delhi Administration and has a period of less than one year preceding the date of his retirement and the premises let out by him are required by him for his own residence after his retirement, he may, at any time within a period of one year before the date of his retirement, apply to the Controller for recovering the immediate possession of such premises.

(3) Where the landlord referred to in sub-section (1) or sub-section (2) has let out more than one premises, it shall be open to him to make an application under that sub-section in respect of only one of the premises chosen by him.

NOTES

The provisions of the Code of Civil Procedure executing the decree are made applicable by legal fiction recognised by virtue Section 42 of the Delhi Rent Control Act. In any case procedure of the Court of Small Causes is adopted by the Controllers under the provisions of the Delhi Rent Control Act wherein also in execution the provisions of Code of Civil Procedure are applicable and as such law of limitation would be attracted. Under Article 136 of the Limitation Act of 1963 a decree was executable within 12 years from the date when it became executable. Where the decree, when passed, was not enforceable no execution could be levied and hence period of limitation would not commence. (Paras 12 and 15). *Kashi Ram* v. *Rakesh Arora*, (1987) 4 SCC 84, 89, 90.

Damages for unauthorised retention of Government accommodation even after cancellation or deemed cancellation of allotment—Held, Government not competent to recover from the committed portion of pension of a pensioner the amount due to it towards such damages—Allotment of Government Residences (General Pool in Delhi) Rules, 1963, SR 317-B-22—Public Premises (Eviction of Unauthorised Occupants) Rules, 1971, Rule 8(*c*). *Union of India* v. *Wing Commander R.R. Hingorani*, (1987) 1 SCC 551.

Government accommodation—Damages for unauthorised retention of, even after cancellation or deemed cancellation of allotment—Government servant continuing to occupy the accommodation for five years after his transfer from Delhi without intimation to the Government—Though allotment stood automatically cancelled two months after the transfer, under SR 317-B-11(3) of Allotment of Government Residences (General Pool in Delhi) Rules, allotment expressly cancelled after coming to know about the unauthorised occupation —Held, liability of the Government servant to pay market rent by way of damages under SR 317-B-22 of the Rules absolute—Government not required to serve notice under SR 317-B-22—No relaxation in the Rule presumable on ground of alleged inaction of the Government for five years—Government servant having accepted the allotment under the conditions of the Rules, cannot claim relaxation from the Rules—Rules of promissory estoppel cannot operate against the Government in such a situation—*Union of India* v. *Wing Commander R.R. Hingorani*, (1987) 1 SCC 551.

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14-D. Right to recover immediate possession of premises to accrue to a widow.—(1) Where the landlord is a widow and the premises let out by her, or by her husband, are required by her for her own residence, she may apply to the Controller for recovering the immediate possession of such premises.

(2) Where the landlord referred to in sub-section (1) has let out more than one premises, it shall be open to her to make an application under that sub-section in respect of any one of the premises chosen by her.'.

10. Amendment of Section 19.—In sub-section (1) of Section 19 of the principal Act, after the word and figure "Section 14", the words, figures and letters "or under Sections 14-A, 14-B, 14-C, 14-D and 21" shall be *inserted*.

11. Amendment of Section 21.—Section 21 of the principal Act shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-section shall be *inserted*, namely :—

"(2) While making an order under sub-section (1), the Controller may award to the landlord such damages for the use or occupation of the premises at such rates as he considers proper in the circumstances of the case for the period from the date of such order till the date of actual vacation by the tenant.".

12. Amendment of Section 22.—In the *Explanation* to Section 22 of the principal Act, the words "but does not include any such institution set up by any private trust" shall be *added* at the end.

13. Amendment of Section 25-B.—In Section 25-B of the principal Act, in sub-section (1), after the words, figures and letter "or under Section 14-A", the words, figures and letters "or under Section 14-B or under Section 14-C or under Section 14-D" shall be *inserted*.

14. Amendment of Section 26.—In Section 26 of the principal Act,—

(*a*) in sub-section (1), the words "and where any default occurs in the payment of rent, the tenant shall be liable to pay simple interest at the rate of fifteen per cent per annum from the date on which such payment of rent is due to the date on which it is paid" shall be *added* at the end ;

(*b*) to sub-section (2), the following proviso shall be *added*, namely :—

"Provided that it shall be open to the tenant to remit the rent to his landlord by postal money order.".

15. Amendment of Section 27.—In Section 27 of the principal Act, in sub-section (1), the following proviso shall be *inserted*, namely :—

"Provided that in cases where there is a *bona fide* doubt as to the person or persons to whom the rent is payable, the tenant may remit such rent to the Controller by postal money order.".

16. Amendment of Section 38.—In sub-section (1) of Section 38 of the principal Act,—

(*a*) after the words "made under this Act", the words "only on questions of law" shall be *inserted* ;

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(*b*) the following proviso shall be *inserted* at the end, namely :—

"Provided that no appeal shall lie from an order of the Controller made under Section 21.".

17. Omission of Section 39.—Section 39 of the principal Act shall be *omitted*.

18. Amendment of Section 48.—For sub-section (3) of Section 48 of the principal Act, the following sub-section shall be *substituted*, namely :—

"(3) If any landlord re-lets or transfers the whole or any part of any premises in contravention of the provisions of sub-section (1) or sub-section (2) of Section 19 he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.".

19. Amendment of Section 49.—In Section 49 of the principal Act,—

(*a*) for the words "magistrate of the first class" at both the places where they occur, the words "Metropolitan Magistrate" shall be *substituted* ;

(*b*) for the words and figures "Section 32 of the Code of Criminal Procedure, 1898 (5 of 1898)", the words and figures "Section 29 of the Code of Criminal Procedure, 1973 (2 of 1974)", shall be *substituted* ;

(*c*) for the words "two thousand rupees", the words "five thousand rupees" shall be *substituted*.

20. Amendment of Section 56.—In sub-section (2) of Section 56 of the principal Act, clause (*a*) shall be relettered as clause (*aa*) thereof, and before the clause as so relettered, the following clause shall be *inserted*, namely :—

"(*a*) the manner of approval of valuers and the procedure to be followed by such valuers under the proviso to sub-section (2) of Section 9,".

THE PREVENTION OF CORRUPTION ACT, 1988[1]

[No. 49 OF 1988]

[*9th September, 1988*]

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1. Received the assent of the President on September 9, 1988 and published in the Gazette of India, Extra., Part II, Section 1, dated 12th September, 1988 pp. 1-13 [W]

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An Act to consolidate and amend the law relating to the prevention of corruption and for matters connected therewith

Be it enacted by Parliament in the The Thirty-ninth Year of the Republic of India as follows :—

Prefatory Note—Statement of Objects and Reasons.—The Bill is intended to make the existing anti-corruption laws more effective by widening their coverage and by strengthening the provisions.

2. The Prevention of Corruption Act, 1947, was amended in 1964 based on the recommendations of the Santhanam Committee. There are provisions in Chapter IX of the Indian Penal Code to deal with public servants and those who abet them by way of criminal misconduct. There are also provisions in the Criminal Law Amendment Ordinance, 1944, to enable attachment of ill-gotton wealth obtained through corrupt means, including from transferees of such wealth. The Bill seeks to incorporate all these provisions with modifications so as to make the provisions more effective in combating corruption among public servants.

3. The Bill, *inter alia*, envisages widening the scope of the definition of the expression "public servant", incorporation of offences under Sections 161 to 165-A of the Indian Penal Code, enhancement of penalties provided for these offences and incorporation of a provision that the order of the trial court upholding the grant of sanction for prosecution would be final if it has not already been challenged and the trial has commenced. In order to expedite the proceedings, provisions for day-to-day trial of cases and prohibitory provisions with regard to grant of stay and exercise of powers of revision on interlocutory orders have also been included.

4. Since the provisions of Sections 161 to 165-A are incorporated in the proposed legislation with an enhanced punishment, it is not necessary to retain those sections in the Indian Penal Code. Consequently, it is proposed to delete those sections with the necessary saving provision.

5. The notes on clauses explain in detail the provisions of the Bill.

CHAPTER I

Preliminary

1. Short title and extent.—(1) This Act may be called the Prevention of Corruption Act, 1988.

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(2) It extends to the whole of India except the State of Jammu and Kashmir and it applies also to all citizens of India outside India.

2. **Definitions.**—In this Act, unless the context otherwise requires,—

(*a*) "election" means any election, by whatever means held under any law for the purpose of selecting members of Parliament or of any Legislature, local authority or other public authority;

(*b*) "public duty" means a duty in the discharge of which the State, the public or the community at large has an interest;

Explanation.—In this clause "State" includes a corporation established by or under a Central, Provincial or State Act, or an authority or a body owned or controlled or aided by the Government or a Government company as defined in Section 617 of the Companies Act, 1956 (1 of 1956);

(*c*) "public servant" means—

(*i*) any person in the service or pay of the Government or remunerated by the Government by fees or commission for the performance of any public duty;

(*ii*) any person in the service or pay of a local authority;

(*iii*) any person in the service or pay of corporation established by or under a Central, Provincial or State Act, or an authority or a body owned or controlled or aided by the Government or a Government company as defined in Section 617 of the Companies Act, 1956 (1 of 1956);

(*iv*) any Judge, including any person empowered by law to discharge, whether by himself or as a member of any body of persons, any adjudicatory functions;

(*v*) any person authorised by a court of justice to perform any duty, in connection with the administration of justice, including a liquidator, receiver or commissioner appointed by such court;

(*vi*) any arbitrator or other person to whom any cause or matter has been referred for decision or report by a court of justice or by a competent public authority;

(*vii*) any person who holds an office by virtue of which he is empowered to prepare, publish, maintain or revise an electoral roll or to conduct an election or part of an election;

(*viii*) any person who holds an office by virtue of which he is authorised or required to perform any public duty;

(*ix*) any person who is the president, secretary or other office-bearer of a registered co-operative society engaged in agriculture, industry, trade or banking, receiving or having received any financial aid from the Central Government or a State Government or from any corporation established by or under a Central, Provincial or State Act, or any authority or body owned or controlled or aided by the Government or a Government company as defined in Section 617 of the Companies Act, 1956 (1 of 1956);

(*x*) any person who is a chairman, member or employee of any Service Commission or Board, by whatever name

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called, or a member of any selection committee appointed by such Commission or Board for the conduct of any examination or making any selection on behalf of such Commission or Board;

(*xi*) any person who is a Vice-Chancellor or member of any governing body, professor, reader, lecture or any other teacher or employee, by whatever designation called, of any University and any person whose services have been availed of by a University or any other public authority in connection with holding or conducting examinations;

(*xii*) any person who is an office-bearer or an employee of an eductional, scientific, social, cultural or other institution, in whatever manner established receiving or having received any financial assistance from the Central Government or any State Government, or local or other public authority.

Explanation 1.—Persons falling under any of the above sub-clauses are public servants, whether appointed by the Government or not.

Explanation 2.—Wherever the words "public servant" occur, they shall be understood of every person who is in actual possession of the situation of a public servant, whatever legal defect there may be in his right to hold that situation.

NOTES

The true test in order to determine whether a person is an officer of the Government, is: (1) Whether he is in the service or pay of the Government and (2) Whether he is entrusted with the performance of any public duty. If both these requirements are satisfied it matters not the least what is the nature of his office, whether the duties he is performing are of an exalted character or very humble indeed. *G.A. Monterio* v. *State of Ajmer*, AIR 1957 SC 13.

CHAPTER II

Appointment of special Judges

3. **Power to appoint special Judges.**—(1) The Central Government or the State Government may, by notification in the Official Gazette, appoint as many special Judges as may be necessary for such area or areas or for such case or group of cases as may be specified in the notification to try the following offences, namely:—

(*a*) any offence punishable under this Act; and

(*b*) any conspiracy to commit or any attempt to commit or any abetment of any of the offences specified in clause (*a*).

(2) A person shall not be qualified for appointment as a special Judge under this Act unless he is or has been a Sessions Judge or an Additional Sessions Judge or an Assistant Sessions Judge under the Code of Criminal Procedure, 1973 (2 of 1974).

4. **Cases triable by special Judges.**—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), or in any other law for the time being in force, the offences specified in sub-section (1) of Section 3 shall by tried by special Judges only.

(2) Every offence specified in sub-section (1) of Section 3 shall be tried by the special Judge for the area within which it was committed, or, as the case may be, by the special Judge appointed for the case, or where there are more special Judges than one for such area, by such one of them as may be specified in this behalf by the Central Government.

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(3) When trying any case, a special Judge may also try any offence, other than an offence specified in Section 3, with which the accused may, under the Code of Criminal Procedure, 1973 (2 of 1974), be charged at the same trial.

(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), a special Judge shall, as far as practicable, hold the trial of an offence on day-to-day basis.

5. **Procedure and powers of special Judge.**—(1) A special Judge may take cognizance of offences without the accused being committed to him for trial and, in trying the accused persons, shall follow the procedure prescribed by the Code of Criminal Procedure, 1973 (2 of 1974), for the trial of warrant cases by Magistrates.

(2) A special Judge may, with a view to obtaining the evidence of any person supposed to have been directly or indirectly concerned in, or privy to, an offence, tender a pardon to such person on condition of his making a full and true disclosure of the whole circumstances within his knowledge relating to the offence and to every other person concerned, whether as principal or abettor, in the commission thereof and any pardon so tendered shall, for the purposes of sub-sections (1) to (5) of Section 308 of the Code of Criminal Procedure, 1973 (2 of 1974), be deemed to have been tendered under Section 307 of that Code.

(3) Save as provided in sub-section (1) or sub-section (2), the provisions of the Code of Criminal Procedure, 1973 (2 of 1974), shall, so far as they are not inconsistent with this Act, apply to the proceedings before a special Judge; and for the purposes of the said provisions, the Court of the special Judge shall be deemed to be a Court of Session and the person conducting a prosecution before a special Judge shall be deemed to be a public prosecutor.

(4) In particular and without prejudice to the generality of the provisions contained in sub-section (3), the provisions of Sections 326 and 475 of the Code of Criminal Procedure, 1973 (2 of 1974), shall, so far as may be, apply to the proceedings before a special Judge and for the purposes of the said provisions, a special Judge shall be deemed to be a Magistrate.

(5) A special Judge may pass upon any person convicted by him any sentence authorised by law for the punishment of the offence of which such person is convicted.

(6) A special Judge, while trying an offence punishable under this Act, shall exercise all the powers and functions exercisable by a District Judge under the Criminal Law Amendment Ordinance, 1944 (Ord. 38 of 1944).

6. **Power to try summarily.**—(1) Where a special Judge tries any offence specified in sub-section (1) of Section 3, alleged to have been committed by a public servant in relation to the contravention of any special order referred to in sub-section (1) of Section 12-A of the Essential Commodities Act, 1955 (10 of 1955), or of an order referred to in clause (*a*) of sub-section (2) of that section, then, notwithstanding anything contained in sub-section (1) of Section 5 of this Act or Section 260 of the Code of Criminal Procedure, 1973 (2 of 1974), the special Judge shall try the offence in a summary way, and the provisions of Sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such trial:

Provided that, in the case of any conviction in a summary trial under this section, it shall be lawful for the special Judge to pass a sentence of imprisonment for a term not exceeding one year:

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Provided further that when at the commencement of, or in the course of, a summary trial under this section, it appears to the special Judge that the nature of the case is such that a sentence of imprisonment for a term exceeding one year may have to be passed or that it is, for any other reason, undesirable to try the case summarily, the special Judge shall, after hearing the parties, record an order to that effect and thereafter recall any witnesses who may have been examined and proceed to hear or re-hear the case in accordance with the procedure prescribed by the said Code for the trial of warrant cases by Magistrates.

(2) Notwithstanding anything to the contrary contained in this Act or in the Code of Criminal Procedure, 1973 (2 of 1974), there shall be no appeal by a convicted person in any case tried summarily under this section in which the special Judge passes a sentence of imprisonment not exceeding one month, and of fine not exceeding two thousand rupees whether or not any order under Section 452 of the said Code is made in addition to such sentence, but an appeal shall lie where any sentence in excess of the aforesaid limits is passed by the special Judge.

CHAPTER III

Offences and penalties

7. **Public servant taking gratification other than legal remuneration in respect of an official act.**—Whoever, being, or expecting to be a public servant, accepts or obtains or agrees to accept or attempts to obtain from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act or for showing or forbearing to show, in the exercise of his official functions, favour or disfavour to any person or for rendering or attempting to render any service or disservice to any person, with the Central Government or any State Government or Parliament or the Legislature of any State or with any local authority, corporation or Government company referred to in clause (*c*) of Section 2, or with any public servant, whether named or otherwise, shall be punishable with imprisonment which shall be not less than six months but which may extend to five years and shall also be liable to fine.

Explanations.—(*a*) "Expecting to be a public servant." If a person not expecting to be in office obtains a gratification by deceiving others into a belief that he is about to be in office, and that he will then serve them, he may be guilty of cheating, but he is not guilty of the offence defined in this section.

(*b*) "Gratification." The word "gratification" is not restricted to pecuniary gratifications or to gratifications estimable in money.

(*c*) "Legal remuneration." The words "legal remuneration" are not restricted to remuneration which a public servant can lawfully demand, but include all remuneration which he is permitted by the Government or the organisation, which he serves, to accept.

(*d*) "A motive or reward for doing." A person who receives a gratification as a motive or reward for doing what he does not intend or is not in a position to do, or has not done, comes within this expression.

(*e*) Where a public servant induces a person erroneously to believe that

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his influence with the Government has obtained a title for that person and thus induces that person to give the public servant, money or any other gratification as a reward for this service, the public servant has committed an offence under this section.

8. Taking gratification, in order, by corrupt or illegal means, to influence public servant.—Whoever accepts or obtains, or agrees to accept, or attempts to obtain, from any person, for himself or for any other person, any gratification whatever as a motive or reward for inducing, by corrupt or illegal means, any public servant, whether named or otherwise, to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favour or disfavour to any person, or to render or attempt to render any service or disservice to any person with the Central Government or any State Government or Parliament or the Legislature of any State or with any local authority, corporation or Government company referred to in clause (*c*) of Section 2, or with any public servant, whether named or otherwise, shall be punishable with imprisonment for a term which shall be not less than six months but which may extend to five years and shall also be liable to fine.

9. Taking gratification, for exercise of personal influence with public servant.—Whoever accepts or obtains or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification whatever, as a motive or reward for inducing, by the exercise of personal influence, any public servant whether named or otherwise to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favour or disfavour to any person, or to render or attempt to render any service or disservice to any person with the Central Government or any State Government or Parliament or the Legislature of any State or with any local authority, corporation or Government company referred to in clause (*c*) of Section 2, or with any public servant, whether named or otherwise, shall be punishable with imprisonment for a term which shall be not less than six months but which may extend to five years and shall also be liable to fine.

10. Punishment for abetment by public servant of offences defined in Section 8 or 9.—Whoever, being a public servant, in respect of whom either of the offences defined in Section 8 or Section 9 is committed, abets the offence, whether or not that offence is committed in consequence of that abetment, shall be punishable with imprisonment for a term which shall be not less than six months but which may extend to five years and shall also be liable to fine.

11. Public servant obtaining valuable thing, without consideration from person concerned in proceeding or business transacted by such public servant.—Whoever, being a public servant, accepts or obtains or agrees to accept or attempts to obtain for himself, or for any other person, any valuable thing without consideration, or for a consideration which he knows to be inadequate, from any person whom he knows to have been, or to be, or to be likely to be concerned in any proceeding or business transacted or about to be transacted by such public servant, or having any connection with the official functions of himself or of any public servant to whom he is subordinate, or from any person whom he knows to be interested in or related to the person so concerned, shall be punishable with imprisonment for a term which shall be not less than six months but which may extend to five years and shall also be liable to fine.

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12. Punishment for abetment of offences defined in Section 7 or 11.—Whoever abets any offence punishable under Section 7 or Section 11 whether or not that offence is committed in consequence of that abetment, shall be punishable with imprisonment for a term which shall be not less than six months but which may extend to five years and shall also be liable to fine.

13. Criminal misconduct by a public servant.—(1) A public servant is said to commit the offence of criminal misconduct,—

(*a*) if he habitually accepts or obtains or agrees to accept or attempts to obtain from any person for himself or for any other person any gratification other than legal remuneration as a motive or reward such as is mentioned in Section 7 ; or

(*b*) if he habitually accepts or obtains or agrees to accept or attempts to obtain for himself or for any other person, any valuable thing without consideration or for a consideration which he knows to be inadequate from any person whom he knows to have been, or to be, or to be likely to be concerned in any proceeding or business transacted or about to be transacted by him, or having any connection with the official functions of himself or of any public servant to whom he is subordinate, or from any person whom he knows to be interested in or related to the person so concerned ; or

(*c*) if he dishonestly or fraudulently misappropriates or otherwise converts for his own use any property entrusted to him or under his control as a public servant or allows any other person so to do ; or

(*d*) if he,—

(*i*) by corrupt or illegal means, obtains for himself or for any other person any valuable thing or pecuniary advantage ; or

(*ii*) by abusing his position as a public servant, obtains for himself or for any other person any valuable thing or pecuniary advantage ; or

(*iii*) while holding office as a public servant, obtains for any person any valuable thing or pecuniary advantage without any public interest ; or

(*e*) if he or any person on his behalf, is in possession or has, at any time during the period of his office, been in possession for which the public servant cannot satisfactorily account, of pecuniary resources or property disproportionate to his known sources of income.

Explanation.—For the purposes of this section, "known sources of income" means income received from any lawful source and such receipt has been intimated in accordance with the provisions of any law, rules or orders for the time being applicable to a public servant.

(2) Any public servant who commits criminal misconduct shall be punishable with imprisonment for a term which shall be not less than one year but which may extend to seven years and shall also be liable to fine.

NOTES

It is sufficient if the accused is able to prove his case by the standard of preponderance of probabilities as envisaged by S. 5 of the Evidence Act as a result of which he succeeds not

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because he proves his case to the hilt but because probability of the version given by him throws doubt on the prosecution case and, therefore, the prosecution cannot be said to have established the charge beyond reasonable doubt. *Rabindra Kumar Dey* v. *State of Orissa*, (1976) 4 SCC 233 : 1976 SCC (Cri) 566.

The words "pecuniary advantage" are of wide amplitude but even so in the context of S. 5(1)(*d*) of PC Act 1947 (S. 13(*d*) of new Act) obtaining goods on credit cannot be held to amount obtaining pecuniary advantage. If there is an agreement between the officer and the trader that the officer is not expected to pay for the goods then there is no doubt that this would amount to obtaining pecuniary advantage, but if there is no such agreement and the officer does not pay it cannot be said that he had obtained any pecuniary advantage. *Delhi Administration* v. *S.N. Khosla*, (1971) 1 SCC 872 : 1971 SCC (Cri) 370.

It cannot be said that an officer, if he obtains goods on credit, even if he does not intend to pay, is obtaining a valuable thing without consideration. The case may be different if it is proved that there was an agreement with the trader that the trader would not demand the money and the officer would not pay, and the bill and the reminders sent would be merely a formality. *Delhi Administration* v. *S.N. Khosla*, (1971) 1 SCC 872 : 1971 SCC (Cri) 370.

In order to establish that a public servant is in possession of pecuniary resources and property, disproportionate to his known sources of income, it is not imperative that the period of reckoning be spread out for the entire stretch of anterior service of the public servant. There can be no general rule or criterion, valid for all cases, in regard to the choice of the period for which accounts are taken to establish criminal misconduct. It is for the prosecution to choose what, according to it, is the period which having regard to the acquisitive activities of the public servant in amassing wealth, characterise and isolate that period for special scrutiny. (Para 18). *State of Maharashtra* v. *Pollonji Darabshaw Daruwalla*, 1987 Supp SCC 379, 384, 385.

Once the prosecution establishes the essential ingredients of the offence by the standard of criminal evidence, held, the burden of proof shifts upon the defence to satisfactorily account for the possession of the properties and pecuniary resources—Further held, the prosecution need not disprove the existence of possible sources of the accused's income. *State of Maharashtra* v. *Pollonji Darabshaw Daruwalla*, 1987 Supp SCC 379, 385 (para 18).

Pecuniary resources—Bank account—Joint deposit—Depositor first named not necesarily the exclusive beneficial owner—Matter is principally guided by the terms of agreement. *State of Maharashtra* v. *Pollonji Darabshaw Daruwalla*, 1987 Supp SCC 379, 386.

14. Habitual committing of offence under Sections 8, 9 and 12.—Whoever habitually commits—

(*a*) an offence punishable under Section 8 or Section 9 ; or

(*b*) an offence punishable under Section 12,

shall be punishable with imprisonment for a term which shall be not less than two years but which may extend to seven years and shall also be liable to fine.

15. Punishment for attempt.—Whoever attempts to commit an offence referred to in clause (*c*) or clause (*d*) of sub-section (1) of Section 13 shall be punishable with imprisonment for a term which may extend to three years and with fine.

16. Matters to be taken into consideration for fixing fine.—Where a sentence of fine is imposed under sub-section (2) of Section 13 or Section 14, the court in fixing the amount of the fine shall take into consideration the amount or the value of the property, if any, which the accused person has obtained by committing the offence or where the conviction is for an offence referred to in clause (*e*) of sub-section (1) of Section 13, the pecuniary recources or property referred to in that clause for which the accused person is unable to account satisfactorily.

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CHAPTER IV

Investigation into cases under the Act

17. **Persons authorised to investigate.**—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), no police officer below the rank,—

(*a*) in the case of the Delhi Special Police Establishment, of an Inspector of Police ;

(*b*) in the metropolitan areas of Bombay, Calcutta, Madras and Ahmedabad and in any other metropolitan area notified as such under sub-section (1) of Section 8 of the Code of Criminal Procedure, 1973 (2 of 1974), of an Assistant Commissioner of Police ;

(*c*) elsewhere, of a Deputy Superintendent of Police or a police officer of equivalent rank,

shall investigate any offence punishable under this Act without the order of a Metropolitan Magistrate or a Magistrate of the first class, as the case may be, or make any arrest therefor without a warrant :

Provided that if a police officer not below the rank of an Inspector of Police is authorised by the State Government in this behalf by general or special order, he may also investigate any such offence without the order of a Metropolitan Magistrate or a Magistrate of the first class, as the case may be, or make arrest therefor without a warrant :

Provided further that an offence referred to in clause (*e*) of sub-section (1) of Section 13 shall not be investigated without the order of a police officer not below the rank of a Superintendent of Police.

18. **Power to inspect bankers' books.**—If from information received or otherwise, a police officer has reason to suspect the commission of an offence which he is empowered to investigate under Section 17 and considers that for the purpose of investigation or inquiry into such offence, it is necessary to inspect any bankers' books, then, notwithstanding anything contained in any law for the time being in force, he may inspect any bankers' books in so far as they relate to the accounts of the persons suspected to have committed that offence or of any other person suspected to be holding money on behalf of such person, and take or cause to be taken certified copies of the relevant entries therefrom, and the bank concerned shall be bound to assist the police officer in the exercise of his powers under this section :

Provided that no power under this section in relation to the accounts of any person shall be exercised by a police officer below the rank of a Superintendent of Police, unless he is specially authorised in this behalf by a police officer of or above the rank of a Superintendent of Police.

Explanation.—In this section, the expressions "bank" and "bankers' "books" shall have the meanings respectively assigned to them in the Bankers' Books Evidence Act, 1891 (18 of 1891).

CHAPTER V

Sanction for prosecution and other miscellaneous provisions

19. **Previous sanction necessary for prosecution.**—(1) No court shall take cognizance of an offence punishable under Sections 7, 10, 11, 13

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and 15 alleged to have been committed by a public servant, except with the previous sanction,—

(*a*) in the case of a person who is employed in connection with the affairs of the Union and is not removable from his office save by or with the sanction of the Central Government, of that Government;

(*b*) in the case of a person who is employed in connection with the affairs of a State and is not removable from his office save by or with the sanction of the State Government, of that Government;

(*c*) in the case of any other person, of the authority competent to remove him from his office.

(2) Where for any reason whatsoever any doubt arises as to whether the previous sanction as required under sub-section (1) should be given by the Central Government or the State Government or any other authority, such sanction shall be given by that Government or authority which would have been competent to remove the public servant from his office at the time when the offence was alleged to have been committed.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974),—

(*a*) no finding, sentence or order passed by a special Judge shall be reversed or altered by a Court in appeal, confirmation or revision on the ground of the absence of, or any error, omission or irregularity in, the sanction required under sub-section (1), unless in the opinion of that court, a failure of justice has in fact been occasioned thereby;

(*b*) no court shall stay the proceedings under this Act on the ground of any error, omission or irregularity in the sanction granted by the authority, unless it is satisfied that such error, omission or irregularity has resulted in a failure of justice;

(*c*) no court shall stay the proceedings under this Act on any other ground and no court shall exercise the powers of revision in relation to any interlocutory order passed in any inquiry, trial, appeal or other proceedings.

(4) In determining under sub-section (3) whether the absence of, or any error, omission or irregularity in, such sanction has occasioned or resulted in a failure of justice the court shall have regard to the fact whether the objection could and should have been raised at any earlier stage in the proceedings.

Explanation.—For the purposes of this section,—

(*a*) error includes competency of the authority to grant sanction;

(*b*) a sanction required for prosecution includes reference to any requirement that the prosecution shall be at the instance of a specified authority or with the sanction of a specified person or any requirement of a similar nature.

NOTES

The burden of proof is on the prosecution to show that the sanction is valid. Such burden includes proof that the sanctioning authority had given sanction in reference to the facts on which the proposed prosecution was to be based. These facts might appear on the face of the sanction or it might be proved by independent evidence that sanction was

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accorded for prosecution after those facts had been placed before the sanctioning authority. The fact that the sanctioning authority signed the sanction for the prosecution on the file and not the formal sanction produced in the court makes no material difference. *State of Rajasthan* v. *Tarachand Jain*, (1974) 3 SCC 72, 80 : (1974) 1 SCR 146 : 1973 SCC (Cri) 774.

Court takes cognizance of an offence and not an offender. *State of W.B.* v. *Manmal Bhutoria*, (1977) 3 SCC 440 : 1977 SCC (Cri) 520.

Infirmity in the sanction would invalidate the prosecution case. *Raghubir Singh* v. *State of Haryana*, (1974) 4 SCC 560 (para 6) : 1974 SCC (Cri) 596.

The policy underlying S. 6 and similar sections, is that there should no be unnecessary harassment of public servants. The object is to save the public servant from the harassment of frivolous or unsubstantiated allegations. Existence thus of a valid sanction is a prerequisite to the taking of cognizance of the offences. In absence of such sanction the Court would have no jurisdiction to take cognizance of the offences. A trial without a valid sanction where one is necessary under S. 6 is a trial without jurisdiction by the court. (Para 19). *R.S. Nayak* v. *A.R. Antulay*, (1984) 2 SCC 183 : 1984 SCC (Cri) 172.

20. Presumption where public servant accepts gratification other than legal remuneration.—(1) Where, in any trial of an offence punishable under Section 7 or Section 11 or clause (*a*) or clause (*b*) of sub-section (1) of Section 13 it is proved that an accused person has accepted or obtained or has agreed to accept or attempted to obtain for himself, or for any other person, any gratification (other than legal remuneration) or any valuable thing from any person, it shall be presumed, unless the contrary is proved, that he accepted or obtained or agreed to accept or attempted to obtain that gratification or that valuable thing, as the case may be, as a motive or reward such as is mentioned in Section 7 or, as the case may be, without consideration or for a consideration which he knows to be inadequate.

(2) Where in any trial of an offence punishable under Section 12 or under clause (*b*) of Section 14, it is proved that any gratification (other than legal remuneration) or any valuable thing has been given or offered to be given or attempted to be given by an accused person, it shall be presumed, unless the contrary is proved, that he gave or offered to give or attempted to give that gratification or that valuable thing, as the case may be, as a motive or reward such as is mentioned in Section 7, or, as the case may be, without consideration or for a consideration which he knows to be inadequate.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the court may decline to draw the presumption referred to in either of the said sub-sections, if the gratification or thing aforesaid is, in its opinion, so trivial that no inference of corruption may fairly be drawn.

NOTES

The presumption raised under S. 4 PC Act 1947 is a presumption of law which a court is bound to draw, once it is proved that the accused Government servant received or obtained a valuable thing in the circumstances mentioned in the section. (Para 54). *R.S. Nayak* v. *A.R. Antulay*, (1986) 2 SCC 716, 761 : 1986 SCC (Cri) 256.

Presumption under S. 4 of P.C. Act 1947 (S. 20 of new Act) to be taken into account both when court considers whether charge should be framed or not as well as after charge is framed. *R.S. Nayak* v. *A.R. Antulay*, (1986) 2 SCC 716, 722, 723 : 1986 SCC (Cri) 256.

Presumption under S. 4 not applicable to charge under S. 5(2) r/w S. 5(1)(*d*) but applicable to charge under S. 161, IPC. *Niranjan Patnaik* v. *Sashibhusan Kar*, (1986) 2 SCC 569, 573 : 1986 SCC (Cri) 196.

The word "gratification" in S. 4(1) has to be given its literal dictionary meaning of satisfaction of appetite or desire ; it could not be construed to mean money paid by way of

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bribe. All that the prosecution has to prove is that the accused person has received gratification other than legal remuneration and when it is shown that he has received a certain sum of money which was not a legal remuneration, then the condition prescribed by this section is satisfied and the presumption thereunder must be raised. *State of Assam* v. *Krishna Rao*, (1973) 3 SCC 227.

21. Accused person to be a competent witness.—Any person charged with an offence punishable under this Act, shall be a competent witness for the defence and may give evidence on oath in disproof of the charges made against him or any person charged together with him at the same trial:

Provided that—

(*a*) he shall not be called as a witness except at his own request;

(*b*) his failure to give evidence shall not be made the subject of any comment by the prosecution or give rise to any presumption against himself or any person charged together with him at the same trial;

(*c*) he shall not be asked, and if asked shall not be required to answer, any question tending to show that he has committed or been convicted of any offence other than the offence with which he is charged, or is of bad character, unless—

(*i*) the proof that he has committed or been convicted of such offence is admissible evidence to show that he is guilty of the offence with which he is charged, or

(*ii*) he has personally or by his pleader asked any question of any witness for the prosecution with a view to establish his own good character, or has given evidence of his good character, or the nature or conduct of the defence is such as to involve imputations on the character of the prosecutor or of any witness for the prosecution, or

(*iii*) he has given evidence against any other person charged with the same offence.

22. The Code of Criminal Procedure, 1973 to apply subject to certain modifications.—The provisions of the Code of Criminal Procedure, 1973 (2 of 1974), shall in their application to any proceeding in relation to an offence punishable under this Act have effect as if,—

(*a*) in sub-section (1) of Section 243, for the words "The accused shall then be called upon", the words "The accused shall then be required to give in writing at once or within such time as the Court may allow, a list of the persons (if any) whom he proposes to examine as his witnesses and of the documents (if any) on which he proposes to rely and he shall then be called upon" had been *substituted*;

(*b*) in sub-section (2) of Section 309, after the third proviso, the following proviso had been *inserted*, namely:—

"Provided also that the proceeding shall not be adjourned or postponed merely on the ground that an application under Section 397 had been made by a party to the proceeding.";

(*c*) after sub-section (2) of Section 317, the following sub-section had been *inserted*, namely:—

"(3) Notwithstanding anything contained in sub-section (1)

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or sub-section (2), the Judge may, if he thinks fit and for reasons to be recorded by him, proceed with inquiry or trial in the absence of the accused or his pleader and record the evidence of any witness subject to the right of the accused to recall the witness for cross examination.";

(*d*) in sub-section (1) of Section 397, before the *Explanation*, the following proviso had been *inserted*, namely :—

"Provided that where the powers under this section are exercised by a Court on an application made by a party to such proceedings, the Court shall not ordinarily call for the record of the proceedings :—

(*a*) without giving the other party an opportunity of showing cause why the record should not be called for ; or

(*b*) if it is satisfied that an examination of the record of the proceedings may be made from the certified copies.".

23. **Particulars in a charge in relation to an offence under Section 13(1)(c).**—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), when an accused is charged with an offence under clause (*c*) of sub-section (1) of Section 13, it shall be sufficient to describe in the charge the property in respect of which the offence is alleged to have been committed and the dates between which the offence is alleged to have been committed, without specifying particular items or exact dates, and the charge so framed shall be deemed to be a charge of one offence within the meaning of Section 219 of the said Code :

Provided that the time included between the first and last of such dates shall not exceed one year.

24. Statement by bribe giver not to subject him to prosecution.—Notwithstanding anything contained in any law for the time being in force, a statement made by a person in any proceeding against a public servant for an offence under Sections 7 to 11 or under Section 13 or Section 15, that he offered or agreed to offer any gratification (other than legal remuneration) or any valuable thing to the public servant, shall not subject such person to a prosecution under Section 12.

25. Military, Naval and Air force or other law not to be affected.—(1) Nothing in this Act shall affect the jurisdiction exercisable by, or the procedure applicable to, any court or other authority under the Army Act, 1950 (45 of 1950), the Air Force Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957), the Border Security Force Act, 1968 (47 of 1968), the Coast Guard Act, 1978 (30 of 1978) and the National Security Guard Act, 1986 (47 of 1986).

(2) For the removal of doubts, it is hereby declared that for the purposes of any such law as is referred to in sub-section (1), the court of a special Judge shall be deemed to be a court of ordinary criminal justice.

26. Special Judges appointed under Act 46 of 1952 to be special Judges appointed under this Act.—Every special Judge appointed under the Criminal Law Amendment Act, 1952, for any area or areas and is holding office on the commencement of this Act shall be deemed to be a special Judge appointed under Section 3 of this Act for that area or areas

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and, accordingly, on and from such commencement, every such Judge shall continue to deal with all the proceedings pending before him on such commencement in accordance with the provisions of this Act.

27. Appeal and revision.—Subject to the provisions of this Act, the High Court may exercise, so far as they may be applicable, all the powers of appeal and revision conferred by the Code of Criminal Procedure, 1973 (2 of 1974), on a High Court as if the court of the special Judge were a court of Session trying cases within the local limits of the High Court.

28. Act to be in addition to any other law.—The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force, and nothing contained herein shall exempt any public servant from any proceeding which might, apart from this Act, be instituted against him.

29. Amendment of the Ordinance 38 of 1944.—In the Criminal Law Amendment Ordinance, 1944,—

(*a*) in sub-section (1) of Section 3, sub-section (1) of Section 9, clause (*a*) of Section 10, sub-section (1) of Section 11 and sub-section (1) of Section 13, for the words "State Government", wherever they occur, the words "State Government or as the case may be, the Central Government" shall be *substituted*;

(*b*) in Section 10, in clause (*a*), for the words "three months", the words "one year" shall be *substituted*;

(*c*) in the Schedule,—

(*i*) paragraph 1 shall be *omitted*;

(*ii*) in paragraphs 2 and 4,—

(*a*) after the words "a local authority", the words and figures "or a corporation established by or under a Central, Provincial or State Act, or an authority or a body owned or controlled or aided by Government or a Government company as defined in Section 617 of the Companies Act, 1956 (1 of 1956), or a society aided by such corporation, authority, body or Government company" shall be *inserted*;

(*b*) after the words "or authority", the words "or corporation or body or Government company or society" shall be *inserted*;

(*iii*) for paragraph 4-A, the following paragraph shall be *substituted*, namely :—

"4-A. An offence punishable under the Prevention of Corruption Act, 1988.";

(*iv*) in paragraph 5, for the words and figures "items 2, 3 and 4", the words, figures and letter "items 2, 3, 4 and 4-A" shall be *substituted*.

30. Repeal and saving.—(1) The Prevention of Corruption Act, 1947 (2 of 1947), and the Criminal Law Amendment Act, 1952 (46 of 1952), are hereby repealed.

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(2) Notwithstanding such repeal, but without prejudice to the application of Section 6 of the General Clauses Act, 1897 (10 of 1897), anything done or any action taken or purported to have been done or taken under or in pursuance of the Acts so repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under or in pursuance of the corresponding provision of this Act.

31. **Omission of certain sections of Act 45 of 1860.**—Sections 161 to 165-A (both inclusive) of the Indian Penal Code shall be omitted, and Section 6 of the General Clauses Act, 1897 (10 of 1897), shall apply to such omission as if the said sections had been repealed by a Central Act.

THE LABOUR LAWS (EXEMPTION FROM FURNISHING RETURNS AND MAINTAINING REGISTERS BY CERTAIN ESTABLISHMENTS) ACT, 1988[1]

[ACT NO. 51 OF 1988]

[*24th September, 1988*]

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4.	Exemption from returns and registers required under certain labour laws.	8.	Power to remove difficulties.
			THE SCHEDULE

An Act to provide for the exemption of employers in relation to establishments employing a small number of persons from furnishing returns and maintaining registers under certain labour laws.

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows :—

Prefatory Note—Statement of Objects and Reasons.—(1) Rules and regulations framed under various labour laws provide for maintenance of registers in prescribed formats and periodical submission of returns in prescribed forms. There has been persistent demands from small business and industrial establishments for the simplification and reduction in the number of forms and registers required to be maintained/submitted by small establishments. A Working Group appointed for the purpose had suggested undertaking of legislation as well as other appropriate measures for simplification and reduction in the number of forms and registers required to be maintained by small establishments. In the light of the recommendations of the Working Group, the matter was considered further at various fora and Government has considered it desirable that establishments employing smaller number of persons should be exempted to a limited extent, from maintaining registers in the prescribed form and from submitting the various returns under certain existing labour laws.

(2) A small establishment has been defined in the Bill as an establishment in which not less than ten and not more than nineteen persons are employed or were employed on any day of the preceding twelve months. A very small establishment has been defined as an establishment in which not more than nine persons are employed or were employed on any day of the preceding twelve months.

(3) Small establishments will be required to maintain only three muster registers and will be required to submit only one core return in lieu of the existing returns prescribed under the various labour laws. Similarly, very small establishments would be allowed to combine the three muster registers into a single register. Further, they would be required to submit only one annual core return in lieu of the existing returns prescribed under the variour labour laws. The forms of the registers and returns have been prescribed in the Bill itself.

1. Received the assent of the President on September 24, 1988 and published in the Gazette of India, Extra., dated 27th September, 1988 [P]

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(4) However, in view of the special requirements of social security legislation such as, recovery of contribution from employers and employees, their accountability, reimbursement, etc., no exemption has been given in relation to social security legislation. The enactments from which exemption is sought to be given have been mentioned in the Schedule to the Bill.

(5) The Bill seeks to achieve the above objects.

1. **Short title and commencement.**—(1) This Act may be called the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Act, 1988.

(2) It extends to the whole of India :

Provided that nothing contained in this Act, in relation to the Plantations Labour Act, 1951 (69 of 1951) shall extend to the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different States, and any reference in any provision of this Act to the commencement of this Act shall be construed as a reference to the coming into force of that provision in that State.

2. **Definitions.**—In this Act, unless the context otherwise requires,—

(*a*) "employer", in relation to a Scheduled Act, which defines such expression, has the same meaning assigned to it in that Act, and in relation to any other Scheduled Act, means the person who is required to furnish returns or maintain registers under that Act;

NOTES

"Employer" includes a legal representative of a deceased employer—*See* Payment of Wages Act, 1936, Section 2(*ia*)

When there is a manager who is entrusted with the affairs of the company the directors of the company cannot be said to be employer. *Superintendent and Remembrancer of Legal Affairs* v. *Balai Chand Saha*, 78 CWN 757 : 45 FJR 489.

(*b*) "establishment" has the meaning assigned to it in a Scheduled Act, and includes,—

(*i*) an "industrial or other establishment" as defined in Section 2 of the Payment of Wages Act, 1936 (4 of 1936) ;

(*ii*) a 'factory' as defined in Section 2 of the Factories Act, 1948 (63 of 1948) ;

(*iii*) a factory, workshop or place where employees are employed or work is given out to workers, in any scheduled employment to which the Minimum Wages Act, 1948 (11 of 1948), applies ;

(*iv*) a 'plantation' as defined in Section 2 of the Plantations Labour Act, 1951 (69 of 1951) ; and

(*v*) a 'newspaper establishment, as defined in Section 2 of the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (45 of 1955) ;

NOTES

"*Factory*".—If manufacturing process is done at two different places, they are factories (AIR 1955 All 702). Premises include land as well (AIR 1956 Bom 219). Kitchen is not factory [1941-2 KB 232(238) (B)] : but a contrary view has been expressed in 1980 Lab IC 100 (Bom). There is difference between the definition of factory as given in Indian Factories Act and English Factories Act. Whether any restaurant is a factory has to be decided after taking into account all relevant considerations, *viz.*, Section 21(*k*) and (*m*). Mere existence of frigidaire will not make the premises factory (AIR 1956 Mad 600). The process of

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grabling paper with the aid of more than twenty persons in certain premises shall make the premises a factory (58 Cr LJ 1026).

Newspaper establishment.—"Newspaper establishment" means an establishment under the control of any person or body of persons, whether incorporated or not, for the production or publication of one or more newspapers or for conducting any news agency or syndicate—*See* Working Journalist and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955, Section 2(*d*).

(*c*) "Form" means a Form annexed to this Act;

(*d*) "Scheduled Act" means an Act specified in the Schedule and is in force on the commencement of this Act in the territories to which such Act extends generally, and includes the rules made thereunder;

(*e*) "small establishment" means an establishment in which not less than ten and not more than nineteen persons are employed or were employed on any day of the preceding twelve months;

(*f*) "very small establishment" means an establishment in which not more than nine persons are employed or were employed on any day of the preceding twelve months.

3. **Amendment of certain labour laws.**—On and from the commencement of this Act, the Scheduled Acts shall have effect subject to the provisions of this Act.

4. **Exemption from returns and registers required under certain labour laws.**—(1) On and from the commencement of this Act, it shall not be necessary for an employer in relation to any small establishment or very small establishment to which a Scheduled Act applies to furnish the returns or to maintain the registers required to be furnished or maintained under that Scheduled Act;

Provided that such employer,—

(*a*) furnishes, in lieu of such returns, a Core Return in Form A;

(*b*) maintains, in lieu of such registers,—

(*i*) registers in Form B, Form C and Form D, in the case of small establishments; and

(*ii*) registers in Form D and Form E, in the case of very small establishments.

Provided further that every such employer shall continue to—

(*a*) issue wage slips in the Form prescribed in the Minimum Wages (Central) Rules, 1950 made under Sections 18 and 30 of the Minimum Wages Act, 1948 (11 of 1948) and slips relating to measurement of the amount of work done by piece-rated workers required to be issued under the Payment of Wages (Mines) Rules, 1956 made under Sections 13-A and 26 of the Payment of Wages Act, 1936 (4 of 1936); and

(*b*) file returns relating to accidents under Sections 88 and 88-A of the Factories Act, 1948 (63 of 1948) and Sections 32-A and 32-B of the Plantations Labour Act, 1951 (69 of 1951).

(2) Save as provided in sub-section (1), all other provisions of a Scheduled Act, including in particular, the inspection of the registers by, and furnishing of their copies to, the authorities under that Act, shall apply to the

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returns and registers required to be furnished or maintained under this Act as they apply to the returns and registers under that Scheduled Act.

(3) Where an employer in relation to a small establishment or very small establishment to which a Scheduled Act applies, furnishes returns or maintains the registers as provided in the proviso to sub-section (1), nothing contained in that Scheduled Act shall render him liable to any penalty for his failure to furnish any return or to maintain any register under that Scheduled Act.

5. **Savings.**—The commencement of this Act shall not affect,—

(*a*) the previous operation of any provision of any Scheduled Act or the validity, invalidity, effect or consequence of anything done or suffered under that provision, before the relevant period;

(*b*) any right, privilege, obligation or liability already acquired, accrued or incurred under any Scheduled Act, before the relevant period;

(*c*) any penalty, forfeiture, or punishment incurred or inflicted in respect of any offence committed under any Scheduled Act, before the relevant period;

(*d*) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment aforesaid,

and any such investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment shall be instituted, continued or disposed of, as the case may be, in accordance with that Scheduled Act.

Explanation.—For the purpose of this section, the expression "relevant period" means the period during which an establishment is or was a small establishment or a very small establishment under this Act.

6. **Penalty.**—Any employer who fails to comply with the provisions of this Act, shall, on conviction, be punishable—

(*a*) in the case of the first conviction, with fine which may extend to rupees five thousand; and

(*b*) in the case of any second or subsequent conviction, with imprisonment for a period which shall not be less than one month but which may extend to six months or with fine which shall not be less than rupees ten thousand but may extend to rupees twenty-five thousand, or with both.

7. **Power to amend Form.**—(1) The Central Government may, if it is of opinion that it is expedient so to do, by notification in the Official Gazette amend any Form and thereupon such Form shall, subject to the provisions of sub-section (2) be deemed to have been amended accordingly.

(2) Any notification issued under sub-section (1) shall be laid before each House of Parliament, if it is sitting as soon as may be after the issue of the notification, and if it is not sitting, within seven days of its re-assembly and the Central Government shall seek the approval of Parliament to the notification by a resolution moved within a period of fifteen days beginning with the day on which the notification is so laid before the House of the People, and if Parliament makes any modification in the notification or directs that the notification should cease to have effect only in such modified

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form or be of no effect, as the case may be, but without prejudice to the validity of anything previously done thereunder.

8. **Power to remove difficulties.**—If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date on which this Act receives the assent of the President.

THE SCHEDULE

[*See* Section 2(1)(*d*)]

(1) The Payment of Wages Act, 1936 (4 of 1936).

(2) The Weekly Holidays Act, 1942 (18 of 1942).

(3) The Minimum Wages Act, 1948 (11 of 1948).

(4) The Factories Act, 1948 (63 of 1948).

(5) The Plantations Labour Act, 1951 (69 of 1951).

(6) The Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (45 of 1955).

(7) The Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970).

(8) The Sales Promotion Employees (Conditions of Service) Act, 1976 (11 of 1976).

(9) The Equal Remuneration Act, 1976 (25 of 1976).

FORM A

[*See* Section 4(1) proviso (*a*)]

Core Return

RETURN FOR THE YEAR ENDING 31ST DECEMBER

(*To be furnished on or before the 15th February of the succeeding Year by small establishments and very small establishments*)

1. (*a*) Name and postal address of the establishment.

(*b*) Name and residential address of the employer.

(*c*) Name and residential address of the Manager or person responsible for supervision and control of the establishment.

(*d*) Name of the principal employer in the case of a contractor's establishment.

(*e*) Date of commencement of the establishment.

Nature of Operation/Industry/Work Carried on

2. (*a*) Number of days worked during the year.

(*b*) Number of man-days worked during the year.

(*c*) Daily hours of work.

(*d*) Day of weekly holiday.

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3. (*a*) Average number of persons employed during the year.
   (*i*) Males.
   (*ii*) Females.
   (*iii*) Adolescents (those who have completed 14 years but have not completed 18 years of age).
   (*iv*) Children (those who have not completed 14 years of age).
   (*b*) Maximum number of workers employed on any day during the year.
   (*c*) Number of workers discharged, dismissed, retrenched or whose services were terminated during the year.

4. Rates of wages—categorywise.
   (1) Males (2) Females (3) Adolescents (4) Children

5. Gross Wages paid :
   (*a*) in cash.
   (*b*) in kind.

6. Deductions
   (*a*) Fines.
   (*b*) Deductions for damage or loss.
   (*c*) Other deductions.

7. Number of workers who were granted leave with wages during the year.

8. Nature of Welfare amenities provided : Statutory (specify the statute).

9. Does the establishment carry out any hazardous process or dangerous operation coming, within the meaning of the Factories Act, 1948. If so, give particulars.

10. Number of Accidents :
   (*a*) Fatal.
   (*b*) Non-fatal.

11. Nature of safety measures provided as required under the Factories Act, 1948.

Date..... *Signature of the Employer with full name in capitals.*

Place.....

FORM B

[*See* Section 4(*i*) Proviso (*b*)(*i*)]

Register of Wages Required to be maintained by Small Establishments

TO BE MAINTAINED WITHIN SEVEN DAYS OF THE EXPIRY OF THE WAGE PERIOD

Name of establishment.....Name and address of employer.....
Address (Local).....Nature of work.....
(Permanent).....Wage period .....

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Sl. No.	Name of the employee	Sex	Desig-nation	Classification, whether permanent/ temporary/casual/ part-time or any other	Father's or husband's name	Total days number of units worked
1	2	3	4	5	6	7

Wages earned								
Basic wages		Dearness allowance	Overtime	Bonus or exgratia	Maternity benefits	Gratuity	Any other allowance	Total amount
Statutory minimum rate	Actual							
8	9	10	11	12	13	14	15	16

Deductions					
Advances	Fines due to damage or loss by neglect or default	Provident Fund		Employees' State Insurance	
		Employers' contribution	Employees' contribution	Employers' contribution	Employees' contribution
17	18	19	20	21	22

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Deductions

Other deductions indicating the nature	Total deductions	Net amount payable	Signature or thumb impression of employee with date	Signature of Inspector with date	Remarks
23	24	25	26	27	28

Notes: 1. In case of deduction of any advance taken by an employee, the employer shall also indicate therein the number of instalments paid/total instalments by which advance is to be repaid such as "5/20, 6/20" etc. The purpose of advance shall also be mentioned in the Remarks column.

2. In case of imposition of fines or deduction for damage or loss, the specific act or omission for which the penalty has been imposed has to be indicated in the Remarks column. A certificate shall also be recorded in the said column to the effect that an opportunity to show cause was given to the employee concerned before imposition of fine or deduction.

Date..... *Signature of the employer with full name in capitals.*

Place.....

FORM C

[*See* Section 4(*i*) Proviso (*b*)(*i*)]

Muster Roll to be maintained by small establishments

Name of establishment.....Name and address of the employer.....
Address (Local).....
(Permanent)..... Wage period.....

Sl. No.	Name of the employee	Date of employment	Permanent address	Age or date of birth
1	2	3	4	5

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Father's or husband's name	For the period ending..... Number of units of work done during	Total attendance	Total overtime worked[1]	Total production in case of piece-rated workers[2]
6	7	8	9	10

Compensatory rest[3]		Signature of Inspector with date	Remarks
Brought forward from previous wage period	Given during the wage period		
11	12	13	14

Notes: 1. In the case of daily rated workers, the extent of overtime done on each occasion has to be reflected against each concerned date, such as "P/1" meaning "Present with one hour's overtime," "P/1½" meaning "Present with one and a half hour's overtime" and so on.

2. The number of units of work done by a piece-rated worker has to be noted for each day in the Register. In case of employment of any child/adolescent the employer shall indicate the hours worked each day with intervals of rest.

3. The compensatory rest availed by the worker has to be marked in the Register in red ink as 'CR'.

4. Column 7 to be filled up on each working day and the remaining columns to be completed within seven days of the expiry of the wage period.

Date..... *Signature of the employer with full name in capitals.*

Place.....

FORM D

[*See* Section 4(*i*) Proviso (*b*)(*i*) and (*ii*)]

Monthly Register showing Welfare Amenities to be maintained by small establishments and very small establishments

Name and address of the employer..... Address of the establishment : Local/permanent For the month of .....

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Sl. No.	Name of the employee	Sex	Designation	Weekly day of rest	Dates of holidays for festivals or similar other occasions
1	2	3	4	5	6

Number of casual leave availed by the employee	Quantum of annual leave with wages		Whether Welfare Amenities provided for		
	Due	Availed	Rest room	Drinking water	First aid
7	8	9	10	11	12

Whether Scheduled Caste/ Scheduled Tribe, Handicapped, or any other particular category	Signature of the employer or his agent	Remarks of the Inspecting Officer	Signature of Inspector with date
13	14	15	16

Note : To be completed within seven days of the expiry of each calendar month.

Date..... *Signature of the employer with full name in capitals.*

Place.....

FORM E

[*See* Section 4(*i*) Proviso (*b*)(*ii*)]

Monthly Register of muster roll-cum-wages required to be maintained by very small establishments

Year.....

Month.....or

Wage period

(where different).....

Name of establishment.....

Name of employee.....Father's name.....

Nature of Work.....Rate of wages.....

Wage period.....Date of employment.....

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Date	Hours of work		Interval for Rest and Meal		Hours worked with the employer	Overtime		Casual or sickness leave availed during the month/ wage period
	From	To	From	To		Hours worked	Wages earned	
1	2	3	4	5	6	7	8	9

Privilege Leave			Signature of the employer	Remarks of the employer	Remuneration Due			
Leave due	Leave avaied	Balance			Basic salary or wage	Over-time	Other allow-ances, if any	Total
10	11	12	13	14	15	16	17	18

Deductions					Net amount of pay-ment.	Date of pay-ment	Signature or thumb impres-sion of the employee	Signature of Inspec-tor with remarks, if any, and date
Fines and deduc-tions on account of damage or loss by neglect or default	Other deduc-tions	Advance paid, if any						
		Date	Amount	Total				
19	20	21	22	23	24	25	26	27

Note: Columns 1 to 12 to be filled up on each working day and the remaining columns to be completed within seven days of the expiry of the wage period.

Date..... *Signature of the employee with full name in capitals.*

Place.....

END OF THIS PART

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PART III

Notifications, Orders, Rules and Regulations of Central Government and Supreme Court of India

———— : o : ————

[1] **Ministry of Industry (Department of Industrial Development), Noti. No. S.O. 788(E), dated August 21, 1987, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 21st August, 1987, p. 2**
[*F. No. 1-17/87-Cem.*] [W]

In exercise of the powers conferred by Section 18-G and Section 25 of the **Industries (Development and Regulation) Act, 1951** (65 of 1951), the Central Government hereby makes the following order to amend the Cement Control Order, 1967, namely :—

1. (*i*) This order may be called the **Cement Control (Second Amendment) Order, 1987.**

(*ii*) It shall come into force with immediate effect.

2. In the Cement Control Order, 1967, for sub-clause (*ii*) of Explanation-I below Clause 8, the following shall be *substituted*, namely :—

(*ii*) For the purpose of this clause, the expression "Excise duty paid thereon" will include any exemption or rebate in excise duty granted by the Central Government to the cement manufactured in any cement plant.

[2] **Ministry of Health & Family Welfare (Department of Health), Noti. No. G.S.R. 735(E), dated August 28, 1987, published in the Gazette of India, Extra., Part II, Section 3(i), dated 28th August, 1987, p. 2**
[*No. K-11022/3/86-APC*] [W]

In exercise of the powers conferred by Section 33-O of the **Drugs and Cosmetics Act, 1940**, the Central Government after consultation with the Ayurvedic, Siddha and Unani Drugs Technical Advisory Board makes the following amendment further to amend the Drugs and Cosmetics Act, 1940 :—

In the First Schedule to the Drugs and Cosmetics Act, 1940 (23 of 1940) :—

(*i*) under the heading "A—AYURVEDIC AND SIDDHA SYSTEMS"—

(*a*) after Serial Number 54, the following serial number and entries shall be *inserted*, namely :—

"54—A Ayurvedic Formulary of India (Part-I)".

"54—B Ayurveda Sara Samgraha" ;

(*b*) after Serial Number 83, the following serial number and entry shall be *added*, namely :—

"84—Siddha Formulary of India (Part-I)" and

(*ii*) Under the heading "B—UNANI TIBB SYSTEM", after Serial Number 12, the following serial number entry shall be *added*, namely :—

"13—National Formulary of Unani Medicine (Part-I)".

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[3] **Ministry of Industry (Department of Industrial Development), Noti. No. G.S.R. 744(E), dated August 31, 1987, published in the Gazette of India, Extra., Part II, Section 3(i), dated 2nd September, 1987, p. 2**
[*File No. 2(5)/86-DPR/EGGS-Vol. II*] [W] [L]

In exercise of the powers conferred by Rule 6 of the **Explosives Rules, 1983**, the Central Government, hereby declares the explosives MEXPERM-V, RAJBASE and TELGEX-80 as authorised explosives for export, transport, manufacture, possession, use and sale and for that purpose further amends the notification of the Government of India, Ministry of Industry (Department of Industrial Development) No. G.S.R. 605(E), dated the 7th April, 1986 published in 1986 CCL-III-286 § [221] as follows namely :—

In the said notification, under the heading Class 2, after the entries 'MEXGEL' and PREMIER LD-., the following new entries shall be *inserted* respectively, namely :—

1	2	3	4
MEXPERM-V	M/s. Maharashtra Explosives Ltd., Kelzar, Distt. Wardha.	Class 2	ZZ
RAJBASE	M/s. Rajasthan Explosives & Chemicals Ltd. Dholpur (Raj.)	Class 2	ZZ

Under the heading Class 3, Division 1, after the entry 'SUBMARINE BLASTING GELATINE', the following new entry shall be *inserted*, namely :—

1	2	3	4
TELGEX-80	M/s. Tamilnadu Industrial Explosives Ltd., Vellore.	Class 3	ZZ

[4] **Ministry of Finance (Department of Economic Affairs), Noti. No. G.S.R. 741(E), dated September 2, 1987, published in the Gazette of India, Extra., Part II, Section 3(i), dated 2nd September, 1987, p. 1**
[*F. No. 1/10/EC/87*] [W]

In exercise of the powers conferred by sub-section (2) of Section 98 of the **Finance Act, 1987** (11 of 1987), Central Government hereby appoints the 15th day of October, 1987, as the date on which Chapter V of the said Act shall come into force.

[5] **Ministry of Finance (Department of Economic Affairs), Noti. No. G.S.R. 742(E), dated September 2, 1987, published in the Gazette of India, Extra., Part II, Section 3(i), dated 2nd September, 1987, p. 2**
[*F. No. 1/10/EC/87*] [W]

In exercise of the powers conferred by Section 101 of the **Finance Act, 1987** (11 of 1987), the Central Government, being satisfied that it is necessary and expedient so to do having regard to the purposes of foreign travel, hereby exempts from the payment of the whole of the Foreign Exchange Conservation (Travel) Tax, leviable under Chapter V of the said Act on any release of foreign exchange for the following categories of foreign travel, namely :—

(*i*) for medical treatment (including attendent of a patient where so authorised by the Reserve Bank of India) ;

(*ii*) for studies ;

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(*iii*) for Haj and Ziarat pilgrimage;

(*iv*) for visit to Sikh Shrines in Pakistan and Bangladesh;

(*v*) for visit to Kailash Mansarovar.

[6] **Ministry of Agriculture (Department of Agriculture & Cooperation), Noti. No. S.O. 898(E), dated October 12, 1987, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 12th October, 1987, p. 2** [*File No. 17-30/87-LD.I*] [W]

In exercise of the powers conferred by sub-section (2) of Section 1 of the **National Dairy Development Board Act, 1987** (37 of 1987), the Central Government hereby appoints the 12th day of October, 1987, as the date on which the said Act shall come into force.

[7] **Ministry of Labour, Noti. No. S.O. 4058, dated November 21, 1986, published in the Gazette of India, Part II, Section 3(ii), dated 6th December, 1987, p. 4906** [*F. No. R-11025/7/84-SS-IV*] [W]

In pursuance of the paragraph 28-A of the **Employees' Family Pension Scheme, 1971**, the Central Government hereby directs that the Family Pensioners as on 31st March, 1986 and thereafter shall be granted supplementary additions at the rates specified below with effect from the 1st day of April, 1986 :—

(*i*) Pensioners who were drawing pension up to Rs. 100/-per month	An increase of Rs. 20/-per month.
(*ii*) Pensioners who were drawing pension above Rs. 100/-per month up to Rs. 200/- per month	An increase of Rs. 30/-per month.
(*iii*) Pensioners who were drawing pension above Rs. 200/-per month	An increase of Rs. 40/-per month.

2. The rate of supplementary additions will be related to the Family Pension as would be payable to in terms of para 28(1) of the Employees' Family Pension Scheme, 1971.

3. The above supplementary additions will be in addition to the supplementary additions sanctioned earlier vide S.O. 1351 dated 16-2-1983; S.O. 1611, dated 5-3-1983; S.O. 2609 dated 21-7-1984 and S.O. 1607, dated 28-3-1985.

[8] **Ministry of Home Affairs, Noti. No. G.S.R. 695(E), dated August 8, 1987, published in the Gazette of India, Extra., Part II, Section 3(i), dated 8th August, 1987, pp. 8-15** [*No. V—11012/1/86-Arms*] [W] [P]

In exercise of the powers conferred by Section 44 of the **Arms Act, 1959** (54 of 1959), the Central Government hereby makes the following rules further to amend the Arms Rules, 1962, namely :—

1. (1) These rules may be called the **Arms (Amendment) Rules, 1987.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Arms Rules, 1962, for Schedule II, the following Schedule shall be *substituted*, namely :—

SCHEDULE II

See Rule 4

Licensing authorities etc.

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Item	Purpose	Categories of arms/ ammunition as defined in Schedule I	Place/class of persons	Licensing Authority
1	2	3	4	5
1.	Acquisition / Possession/ import and transport	I(*a*), II		Central Government (Ministry of Home Affairs)
2.	Acquisition and Possession only	III(*b*), III(*c*), III(*d*), V, VI		District Magistrate or any other officer specifically empowered by the Central Government.
3.	Acquisition/Possession and carrying for protection/sport/display	(*a*) I(*b*), I(*c*)		Central Government (Ministry of Home Affairs)
		(*b*) I(*d*), III(*a*)		District Magistrate
		(*c*) III(*b*), III(*c*), III(*d*), V, VI		District Magistrate
		(*d*) III(*c*), III(*d*), V		Sub-Divisional Magistrate
		(*e*) III(*d*), V		Executive Magistrate or any officer specially empowered by the State Government in this behalf.
		(*f*) III(*a*), III(*b*), III(*c*), III(*d*)	(1) In case of persons residing in Nepal.	Ambassador of India in Nepal.
			(2) In case of persons residing in Bhutan.	Representative of the Government of India in Bhutan.
		(*g*) III(*a*), III(*b*), III(*c*), III(*d*),	In case of bonafide tourists as defined in Section 10(1)(*b*) if the place of arrival of the tourist is—	
			(*i*) Jammu and Kashmir.	(*i*) State Government or an officer specially empowered by that Government.
			(*ii*) Any other place in India.	(*ii*) Head of the Mission or Head of the Chancery in the country notified under Section 10(1)(*b*) to which tourist belongs : or District Magistrate or any other officer specially empowered by Central Government.

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Areas from which the licence can be granted	Renewing authority	Form No.	Conditions
6	7	8	9
Whole of India or any specified area.	Central Government (Ministry of Home Affairs)	I	
Whole of India or any specified area.	Same as licensing authority	II	
Whole of India or any specified area.	State Government	III	
Whole of India or any specified area.	Same as licensing authority	III	
Whole of India or any specified area.	Licensing authority or Sub-Divisional Magistrate or any Executive Magistrate specially empowered by the State Government in this behalf.	III	
Throughout the district or his area of jurisdiction or any specified part of his jurisdiction.	Sub-Divisional Magistrate or any Executive Magistrate specially empowered by the State Government.	III	
Throughout the sub-division or his area of jurisdiction or any part of his jurisdiction.	In this behalf same as licensing authority.	III	
India or any specified part thereof.	Same as licensing authority or any other authority empowered to grant a license of the description.	III	
India or any specified part thereof.	Same as licensing authority or any other authority empowered to grant a licence of the description.	III	
India or any specified part thereof.	No renewal	III*	*The licence shall be valid for a period of six months only and granted only for the purpose of sport and possession.
India or any specified part thereof.	No renewal	III*	*The licence shall be valid for a period of six months only and granted only for the purpose of sport and possession.
India or any specified part thereof.	Same as licensing authority	III-A	
India or any specified part thereof.	Same as licensing authority.	III-A	

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1	2	3	4	5
		(*h*) I(*b*), I(*c*)	In case of retainers of exemptees.	Central Government (Ministry of Home Affairs)
		(*i*) I(*d*), III(*a*), III(*b*), III(*c*), III(*d*), V and VI	In case of retainers of exemptees.	District Magistrate
4.	Acquisition/possession and carrying for destruction of wild animals which do injury to human beings/ cattles.	(*a*) III(*b*), III(*c*), III(*d*), and V		(*a*) District Magistrate.
		(*b*) III(*c*), III(*d*), and V		(*b*) Sub-Divisional Magistrate and Executive Magistrate especially empowered by the State Government in this behalf.
5.	Acquiring, possessing and carrying for protection of crops and cattle.	III(*c*), III(*d*), and V		District Magistrate, Sub-Divisional Magistrate and any officer or Executive Magistrate specially empowered by the State Government.
6.	Acquisition/possession and use for target practice	I(*c*)		Central Government (Ministry of Home Affairs).
7.	Acquisition/possession and use for target practice	III		*District Magistrate
8.	Carrying on journey in or through any part of India	All	(*i*) in Jammu & Kashmir	(*i*) State Government
			(*ii*) in other places	(*ii*) District Magistrate Sub-Divisional Magistrate specially empowered by the State Government
			(*iii*) In case of persons residing in Nepal.	(*iii*) Ambassador of India in Nepal.
9.	Temporary possession by bonafide travellers visiting India.	I(*c*) III(*a*), III(*b*), III(*c*), III(*d*), V	At place of arrival: (*i*) in Jammu & Kashmir.	(*i*) State Government or an officer specially empowered by that Government.
			(*ii*) Elsewhere in India	(*ii*) District Magistrate or an officer specially empowered by the State Government.
10.	Manufacture, conversion, shortening, repair, test (other than proof test), sale, transfer, keeping for sale, transfer, conversion or test of arms and ammunition.	(*a*) All	(*a*) Throughout India.	(*a*) Central Government (Ministry of Home Affairs)
		(*b*) V, VI	(*b*) Throughout India.	(*b*) District Magistrate or any other officer specially empowered in this behalf by the State Government/ Administrator of Union Territory

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6	7	8	9
India or any specified part thereof.	Sub-Divisional Magistrate or any Executive Magistrate specially empowered by the State Government in this behalf.	IV	
Throughout the District or his area of jurisdiction or any specified parts of his jurisdiction.	Same as licensing authority.	IV	
Throughout the District or his aree of jurisdiction or any specified part of his jurisdiction.	Same as licensing authority.	V	
Throughout the District.	State Government	VI	The premises for target practice to be specified.
Throughout the District: the premises for target practice to be a specified.	Same as licensing authority.	VI	*With the sanction of State Government.
India or any specified part thereof.	No renewal	VII	
India or any specified part thereof.	No renewal	VII	
India or any specified part	No renewal	VIII	
Within the premises to be specified in the licence.	(*a*) State Government.	IX	
Within the premises to be specified in the licence.	(*b*) Same as licensing authority.	IX	

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1	2	3	4	5
11.	Proving of firearms	All	Throughout India	Central Government (Ministry of Home Affairs).
12.	Conversion (except fire-arms) repair or test (other than proof test), transfer, sale, keeping for sale, repair or test or transfer.	I(*b*), I(*c*)	Throughout India	Central Government (Ministry of Home Affairs).
13.	Conversion (except fire-arms), repair or test (other than proof-test), transfer, sale, keeping for sale, repair or test or transfer.	I(*d*), III(*a*), III(*b*), V, VI		State Government
14.	Conversion of ingredient of ammunition into explosive/fire-works.	VI(*b*)	(*i*) In Jammu & Kashmir. (*ii*) In other places.	State Government District Magistrate or any officer specially empowered by the State Government.
15.	Sale, Transfer, or test (other than proof-test) and keeping for sale, transfer or test.	I(*b*) and I(*c*)	Throughout India	State Government
16.	Sale, Transfer or test (other than proof-test), and keeping for sale, transfer or test.	I(*d*), III(*a*), III(*b*), III(*c*), III(*d*)), V		State Government
17.	Sale, Transfer or test (other than proof-test), keeping for sale, transfer or test.	III(*c*), III(*d*), V, VI		State Government or any officer specially empowered by State Government.
18.	Keeping for safe custody.	All		State Government or any officer specially empowered by State Government.
19.	Import by sea or air.	(*a*) I(*b*), I(*c*), I(*d*) (*b*) III, IV, V, VI (*c*) Sulphur	(*a*) At any customs port in India. (*b*) At any customs port in India. (*c*) At ports of Kakinada, Tuticorin and Cochin.	(*a*) Central Government (Ministry of Home Affairs). (*b*) District Magistrate in whose jurisdiction the port lies. (*c*) State Government in* Tamil Nadu, Andhra Pradesh or Kerala.
20.	Import by land or river.	(*a*) I(*b*), I(*c*), I(*d*) (*b*) III, IV, V, VI	(*a*) Throughout India. (*b*)(*i*) in Jammu & Kashmir. (*ii*) At other places.	(*a*) Central Government (Ministry of Home Affairs). (*b*)(*i*) State Government (*ii*) District Magistrate

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6	7	8	9
Within the premises to be specified in the licence.	State Government.	X	
Within the premises to be specified in the licence.	State Government.	XI	
Within the premises to be specified in the licence.	State Government.	XI	
Within the premises to be specified in the licence.	State Government.	XI	
Within the premises to be specified in the licence.	Same as licensing authority.	XI	
Within the premises to be specified in the licence.	State Government.	XII	
Within the premises to be specified in the licence.	State Government.	XII	
Within the premises to be specified in the licence.	Same as licensing authority.	XIII	
Within the premises to be specified in the licence.	Same as licensing authority.	*XIV	*To be given only to holders of a licence in any of the Forms IX, X, XI, XII, XIII.
	No renewal.	I	
	No renewal.	XV	
	No renewal.	XV	*In reasonable quantities for medicinal, agricultural or Industrial purposes.
	No renewal.	I	
	No renewal.	XVI	
	No renewal.	XVI	

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1	2	3	4	5
21.	Export by sea or air to foreign territory including Commonwealth countries.	(*a*) All	From any customs port in India to a port in a Foreign territory.	(*a*) Central Government (Ministry of Home Affairs) or any officer specially empowered by the Central Government (Ministry of Home Affairs).
		*(*b*) III(*b*), III(*c*), III(*d*), IV, V, VI	From any customs port in India to a port in a foreign territory.	Government of the *State in which the port is situated.
		(*c*) III(*b*), III(*c*), III(*d*), IV, V, VI	From any customs port in India to a port in the Common wealth.	District Magistrate
22.	Export by land or river.	(*a*) All	To any place outside India.	Central Government (Ministry of Home Affairs) or any officer specially empowered for the purpose by the Central Government (Ministry of Home Affairs).
		(*b*) III, V, Sulphur or Chlorate required for manufacture of matches, Bengal lights and paper caps for toy pistol.	Sikkim — Commissioner, Sikkim Police. Bhutan— Representative of India in Bhutan.	
		(*c*) All	To Nepal	*Ambassador of India in Nepal.
23.	Export and re-import, import, transport and re-export	(*a*) I(*a*), I(*b*), II	(*a*) Between one port of India to another.	(*a*) Central Government (Ministry of Home Affairs).
		(*b*) I(*c*), I(*d*), III(*b*)	(*b*) Between one port of India to another.	(*b*) Central Government (Ministry of Home Affairs) or an officer specially empowered for the purpose by the Central Government (Ministry of Home Affairs).

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6	7	8	9
	No renewal.	XVII	*Subject to the condition that the licensing authority is statisfied that :— (*i*) the arms are not meant for sale or for military purposes but are meant for the personal use of the consignee, and (*ii*) any rifles or parts of or fittings for rifles are intended in good faith for sporting purposes only, subject to condition (*ii*) above.
	No renewal.	XVII	
	No renewal.	XVIII	
	No renewal.	*XVIII	*To be given only for personnel use of the licensee in Bhutan.
	No renewal.	XVIII	*Subject to previous sanction of the Central Government (Ministry of Home Affairs) in respect of categories I and II.
	No renewal.	XIX	
	No renewal.	XIX	

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1	2	3	4	5
		(*c*) III(*a*), III(*c*), III(*d*), IV, V, VI	(*c*) Between one port of India and another.	(*c*) District Magistrate
		(*d*) III, IV, V, VI	(*d*) From any place in Nepal.	(*d*) Ambassador of India in Nepal.
24.	Transport	I(*b*), I(*c*), I(*d*), III, IV, V, VI	(*i*) In Jammu & Kashmir. (*ii*) In other places.	(*i*) State Government (*ii*) District Magistrate
25.	Import into, possession in and transport out of, India by His Majesty the King of Nepal, personnel accompanying him, his brothers, the Prime Minister of Nepal and Nepal Government's troops and Police.	All	Nepal	*Ambassador of India in Nepal.
26.	Import into, possession (without use) for the duration of his journey in, transport across and export out of India by bonafide travellers of their personal arms and ammunition, passing through India.	I(*b*), I(*c*), I(*d*), III, IV, V		District Magistrate or an officer specially empowered by the Central Government or in the case of persons residing in Nepal by the Ambassador of India in Nepal.
27.	Acquiring, possessing during the course of his stay in (but not use) and carrying in, and export out of India by bonafide tourists.	III, IV, V (country-made wagons only).		District Magistrate or an officer specially empowered by the State Government.

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6	7	8	9
	No renewal.	XIX	
	No renewal.	XIX	
	No renewal.	XX	
	No renewal.	XX	
	No renewal.	XXI	*Subject to confirmation by Central Government (Ministry of Home Affairs).
	No renewal.	XXII	
	Same as licensing authority.	XXII	

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[9] **Ministry of Agriculture (Department of Agriculture and Cooperation), Noti. No. S.O. 822(E), dated September 14, 1987, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 14th September, 1987, pp. 2-3** [*No. 1-4/87-Fert. Law*] [W][P][L]

In exercise of the powers conferred by Section 3 of the **Essential Commodities Act, 1955** (10 of 1955), the Central Government hereby makes the following order further to amend the Fertiliser (Control) Order, 1985, namely :—

1. (1) This Order may be called Fertiliser (Control) (Amendment) Order, 1987.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In Schedule I to the Fertiliser (Control) Order, 1985, under the heading Part-A. Specifications of fertilisers and sub-heading 1. (*b*) Straight Phosphatic fertilisers, in serial number 6. Rockphosphate, for entry (*ii*), the following entry shall be *substituted*, namely :—

"(*ii*) Total phosphate (as P_2O_5) per cent by weight, minimum 18".

[10] **Ministry of Finance (Department of Economic Affairs), Noti. No. G.S.R. 847(E), dated October 9, 1987, published in the Gazette of India, Extra., Part II, Section 3(i), dated 9th October, 1987, pp. 2-3** [*No. F. 1/42/EC/87*] [W][P][L]

In exercise of the powers conferred by Section 79 of the **Foreign Exchange Regulation Act, 1973** (46 of 1973) the Central Government hereby makes the following rules further to amend the Foreign Exchange Regulation Rules, 1974, namely :—

1. (1) These rules may be called the **Foreign Exchange Regulation (Amendment) Rules, 1987.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Foreign Exchange Regulation Rules, 1974, —

(1) for Rule 8, the following rule shall be *substituted*, namely :—

"8. Period within which export value of goods is to be paid.

The amount representing the full export value of the goods exported shall be paid to the exporter within six months from the date of export of the goods :

Provided that where the goods are exported to a warehouse established outside India with the permission of the Reserve Bank, the amount representing the full export value of the goods exported shall be paid to the exporter within fifteen months from the date of export of goods :

Provided further that the Reserve Bank may, for sufficient and reasonable cause shown, extend the said period of six months or fifteen months, as the case may be." ;

(2) in the Second Schedule, in Part A, in Forms GR and PP

(*a*) after the words "State approximate date of delivery which must be within six months of the date of shipment", occurring both in the original and the duplicate, the words and brackets "but for exports to warehouses (established outside India with permission of the Reserve Bank) the date of delivery must be within fifteen months of the date of shipment" shall be *inserted* ;

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(*b*) for Note (5) of the "Notes to Exporters" the following Note shall be *substituted*, namely :—

"(5) The amount representing the full export value of goods must be realised within six months from the date of shipment in case of exports to all countries. In case of exports made specifically to warehouses established outside India with the permission of the Reserve Bank, the full export value of the goods must be realised within fifteen months from the date of shipment."

[11] **Ministry of Textiles, Noti. No. G.S.R. 731(E), dated August 26, 1987, published in the Gazette of India, Extra., Part II, Section 3(i), dated 26th August, 1987, p. 4-6** [*F. No. 9/23/87-Jute*] [W]

In exercise of the powers conferred by sub-section (1) of Section 17 of the **Jute Packaging Materials (Compulsory Use in Packing Commodities) Act, 1987** (10 of 1987), the Central Government hereby makes the following rules, namely :—

1. **Short title and commencement.**—(1) These rules may be called the **Jute Packaging Materials (Compulsory Use in Packing Commodities) Rules, 1987.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Definition.**—In these rules, unless the context otherwise requires,—

(*a*) "Act" means the Jute Packaging Materials (Compulsory Use in Packing Commodities) Act 1987 (10 of 1987) ;

(*b*) "Committee" means the Standing Advisory Committee constituted under Section 4 ;

(*c*) "Competent authority" means a State Government or any officer or authority subordinate to the Central Government or a State Government as may be specified by the Central Government under Section 13 ;

(*d*) "Form" means a form appended to these rules ;

(*e*) "Producer" means the producer or manufacturer of any commodity ;

(*f*) "Sample" means a sample of any jute packaging material taken under the provisions of the Act or under these rules ;

(*g*) "Section" means a section of the Act ;

All words and expressions used and not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. **Establishment and constitution of the Committee.**—(1) The Committee to be constituted under sub-section (1) of Section 4 shall consist of a Chairman and such other members, not exceeding twenty, as may be nominated by the Central Government.

(2) The members of the Committee shall hold office for a term of three years.

(3) A casual vacancy occurring in the office of the Chairman or any other member of the Committee by death, resignation or otherwise shall be filled by fresh nomination and the person nominated to fill that vacancy shall hold office only for the remainder of the term for which the Chairman or, as the case may be, the member whose place he takes, was nominated.

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(4) The Chairman of the Committee shall preside at its meetings :

Provided that when the Chairman is absent or is unable to attend any meeting of the Committee, any other member of the Committee as may be nominated in writing by him for the purpose shall preside over the meeting of the Committee.

(5) The Committee shall meet at such place and at such time as may be determined by the Chairman :

Provided that the Committee shall meet at least once a year to review the commodities or class of commodities, or percentage thereof, required to be packed in jute packaging material under Section 3.

4. Maintenance of register and submission of return.—Every producer, who is required under Section 3 to use jute packaging material for packing commodities shall maintain a register in Form I and submit a return in Form II within fifteen days of the following month to the Competent authority having jurisdiction in respect of the commodity (Commodities).

5. Power to call for information and samples.—(1) Every producer, who is required under Section 3 to use jute packaging material for packing of commodities, shall furnish to the Competent authority when so required by an order or orders issued to him, such information in his possession with respect to any commodity or class of commodities or percentage thereof which requires such packing in such form and within such period as may be specified in such order or orders. Every such producer shall also furnish samples of jute packaging material for inspection at such place or places and within such period as may be specified in the said order or orders. The Competent authority may call for the submission of the return from time to time by every such producer within the date specified by him.

(2) If any producer fails to furnish the return referred to in sub-rule (1) within the specified date or furnishes incorrect or defective return, the Competent authority may serve a notice on the producer calling upon him to produce all or any of his accounts relating to commodities produced or manufactured in and removed from his factory.

(3) If the producer, after furnishing a return discovers any omission or wrong statement therein, he may with the permission of the Competent authority make appropriate changes in the return and re-submit it any time before he receives the notice under sub-rule (2).

6. Powers of the Competent authority to inspect the records of the producer.—Every producer shall permit the Competent authority to enter at all reasonable times, any places, premises or vehicle where any commodity packed in jute packaging material is stored or kept for supply or distribution, for inspection and collection of information relating thereto and to inspect the books of accounts and records maintained by him, for the purpose of verifying the correctness of the information or returns furnished by him and securing compliance with the order issued under Section 3.

7. Period to be considered for verifying compliance with order issued under Section 3.—Where an order has been issued by the Central Government under Section 3 requiring any commodity, class of commodities

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or any percentage thereof to be packed in jute packaging material for their supply or distribution, the compliance with that order shall be determined with reference to use of specified percentage of jute packaging material in a period of one calendar month.

8. Use of new and unused jute packaging materials.—In any order to be issued under Section 3, it shall be competent for the Central Government to indicate that only new and unused jute packaging materials shall be used by the producer.

FORM I

(*See* Rule 4)

Register showing use of iute packaging materials in packing commodities

Month.....19 Name of the producer and location

PART-A Quantity in metric tonne

Month	Stock on the opening date of the month	Quantity of commodity produced or manufactured during the month	Quantity despatched for sale/ distribution	Quantity (out of 4) packed in jute packaging materials	% age of despatches packed in jute (5 as % age of 4)	Remarks
1	2	3	4	5	6	7

PART-B

Month	Stock of jute packaging material at the beginning of the month	Quantity of jute packaging material received during the month	Quantity of jute packaging material consumed during the month with types of bags and their packing capacity separately	Stocks of jute packaging material at the end of the month
1	2	3	4	5

FORM II

(*See* Rule 4)

Monthly return to be submitted in regard to packing of commodities in jute packaging materials and other types of packaging materials

Name of Commodity— Return for the month of.....

Name of the producer—

Address of Registered Office—

Address of the factory to which the return relates—

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1. Quantity of commodities in stock at the commencement of the month.
2. Quantity of commodities produced or manufactured during the month.
3. Quantity of commodities produced or manufactured, but wasted or destroyed.
4. Total quantity available in the month for supply or distribution (Items 1+2—3).
5. Quantity of commodities supplied or distributed or dispatched during the month.
6. Quantity out of 5 packed in jute packaging materials :
7. Quantity of jute packaging material received during the month.
8. Quantity of jute packaging material consumed during the month with types of bags and their packing capacity separately.
9. Stocks of jute packaging material at the end of the month (Items 8+10—11).

I/We declare that I/We have compared the above shown particulars with the records and books of my/our factory kept for the purpose and that they are in so far as I/We can ascertain, accurate and complete.

Date :

Place :

Signature of the producer

Name (In Block Letters)

Designation

Address

[12] **Ministry of Labour, Noti. No. G.S.R. 303, dated April 14, 1987, published in the Gazette of India, Part II, Section 3(i), dated 25th April, 1987, p. 1036** [*R-11025/47/86-SS. II*] [W]

In exercise of the powers conferred by Section 5 read with sub-section (1) of Section 7 of the **Employees' Provident Funds and Miscellaneous Provisions Act, 1952** (19 of 1952), the Central Government hereby makes the following scheme further to amend the Employees' Provident Funds Scheme, 1952 ; namely :—

1. (1) This Scheme may be called the **Employees' Provident Funds (Amendment) Scheme, 1987** ;

(2) It shall be deemed to have come into force on the 1st day of January, 1987.

2. In the Employees' Provident Funds Scheme, 195 ', in paragraph 69, in sub-paragraph (3), clause (*iv*) shall be *omitted*.

[13] **Ministry of Health and Family Welfare (Department of Health), Noti. No. G.S.R. 792(E), dated September 17, 1987, published in the Gazette of India, Extra., Part II, Section 3(i), dated 17th September, 1987, pp. 3-5** [*No. X-11014/2/85-DMS & PFA*] [W] [L]

In exercise of the powers conferred by Sections 12 and 33 of the **Drugs and Cosmetics Act, 1940** (23 of 1940), the Central Government after consultation with the Drugs Technical Advisory Board, hereby makes the following rules further to amend the Drugs and Cosmetics Rules, 1945, namely :—

1. (1) These rules may be called the **Drugs and Cosmetics (Fourth Amendment) Rules, 1987.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Drugs and Cosmetics Rules, 1945 in Schedule V, after entry 3, the following new entry shall be *inserted*, namely :—

"*4.* General Standards for Different Categories of Patent or Proprietary Medicine.

In the case of Pharmaceutical products containing serveral active ingredients, the selection shall be such that the ingredients do not

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interact with one another, and do not affect the safety and therapeutic efficacy of the product. The combination shall not also lead to analytical difficulties for the purpose of assaying the content of such ingredient separately. The substances added as additives shall be innocuous, shall not affect the safety or therapeutic efficacy of the active ingredients, and shall not affect the assays and identity tests in the amount present."

Subject to the provisions of these rules, patent or proprietary medicines shall comply with the following standards, namely :—

1. Patent or proprietary medicines shall comply with the general requirements of the dosage form under which it falls as given in the Indian Pharmacopoeia. If the dosage form is not included in the Indian Pharmacopoeia, but is included in any other pharmacopoeia, prescribed for the purpose of the Second Schedule to the Act, it shall comply with the general requirements of the dosage of such pharmacopoeia. Without prejudice to the generality of the foregoing requirements, general requirements shall include compliance with colour consistency, clarity, stability, freedom from contamination with foreign matter or fungal growth, defects like chipping and capping of tablets, cracking of the coating, mottled appearance and other characteristic defects that can be perceived by visual inspection.

2. Without prejudice to the generality of the following paras, dosage forms of patent or proprietary medicines shall comply with the following requirements, namely :—

(*a*) TABLETS : Medicine shall comply with requirements for tablets as laid down in the Indian Pharmacopoeia. The nature of coating shall be indicated on the label. Permitted colours may, however, be added and declared on the label. Nature of tablets, such as uncoated, sugar coated or filmcoated, shall also be declared on the label.

Tablets shall also comply with the standards for disintegration test laid down in this Schedule.

(*b*) CAPSULES : Medicines shall comply with the requirements for capsules laid down in the Indian Pharmacopoeia. However, the capsules, shall be free from distortion of shape, discolouration and other physical defects like leakage of power from joints, pinholes or cracks in the capsules ;

(*c*) LIQUID ORAL DOSAGE FORMS : Emulsions and suspensions shall dispose uniformly on shaking. Homogeneous solutions shall contain no sediments. The volume of the product (net content) in the container shall be not less than the labelled volume. The limit for ethanol content of pharmaceutical products shall be not less than 90 per cent and not more than 110 per cent of the labelled contents.

(*d*) INJECTIONS : Medicines shall comply with the requirements for injections as laid down in the Indian Pharmacopoeia.

(*e*) OINTMENTS : Medicines shall comply with the requirements for ointments as laid down in Indian Pharmacopoeia.

3. The content of active ingredients, other than vitamins, enzymes

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and antibiotics in patent or proprietary medicines shall be not less than 90 per cent and not more than 110 per cent of the labelled content; however, for enzymes any vitamins, only for lower limit of 90 per cent shall apply. In all dry formulations containing antibiotics, the limit shall be 90 to 130 per cent of the labelled contents and in case liquid antibiotic formulations, the limit shall be 90 to 140 per cent of labelled contents.

Fiducial limit for error for microbiological assay of antibiotics may be estimated depending upon the design of assay procedure. Methods, used for assaying active ingredients shall employ the same basic principles and shall use same organisms as given in the latest edition of the Indian Pharmacopoeia or shall follow any other methods as approved by the authority competent to grant licence to manufacture.

4. All patent or proprietary medicines containing aspirin shall be subjected to "Free Salicylic Acid Test" and the limit of such acid shall be 0.75 per cent. Except in case of soluble type aspirin in which case the limit of such acid shall be 3 per cent.

5. Patent or proprietary medicine to be tested under the provisions of Rule 121-A for pyrogen shall be tested by injecting into rabbits not less than the human dose of the medicine based on body weight of a 60 kg. human being. Methodology and limits shall be based on the method recorded in the Indian Pharmacopoeia. Dose selected shall be indicated in the protocol but the dose shall be not greater than 5 times the human dose based on body weight of 60 kg. for man.

6. In injectable patent or proprietary medicines, the test for freedom from toxicity, shall be proformed as described in the Indian Pharmacopoeia. Dose selected shall be indicated in the protocol but the dose shall not be less than five times the human dose based on body weight of 60 kg. human being".

[14] **Ministry of Food and Civil Supplies (Department of Civil Supplies), Noti. No. S.O. 890(E), dated October 7, 1987, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 7th October, 1987, p. 2** [*File No. 12/5/IT/87*] [W]

The Central Government, having considered in consultation with the Forward Markets Commission, the application for renewal of recognition, made under Section 5 of the **Forward Contracts (Regulation) Act, 1952** (74 of 1952) by the Chamber of Commerce, Hapur and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by Section 6 of the said Act, recognition to the said Chamber for a further period of two years from 7th October, 1987 to 6th October, 1989 (both days inclusive) in respect of forward contracts in potatoes.

2. The recognition hereby granted is subject to the condition that the said Chamber shall comply with such directions as may, from time to time, be given by the Forward Markets Commission.

[15] **Ministry of Finance (Department of Revenue) (Central Board of Direct Taxes), Noti. No. S.O. 894(E), dated October 8, 1987, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 8th October, 1987, pp. 2-3** [*No. 7571-F. No. 134/9/87-TPL*] [W]

In exercise of the powers conferred by Section 295 of the **Income-tax Act, 1961** (43 of 1961), the Central Board of Direct Taxes hereby makes the following rules further to

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amend the Income-tax Rules, 1962, namely :—

1. (1) These rules may be called the **Income-tax (Seventh Amendment) Rules, 1987.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Income-tax Rules, 1962, in Rule 48-L, for sub-rule (2), the following sub-rule shall be *substituted*, namely :—

"(2) The statement in Form No. 37-I shall be furnished, in duplicate, to the appropriate authority—

(*a*) before the 30th day of October, 1987, in a case where the agreement for transfer is entered into before the coming into force of Chapter XXC in the areas comprised in the "Bangalore Metropolitan Region", and "Ahmedabad Urban Development Area" and the areas comprised in the city of Ahmedabad, as referred to in the notification of the Government of India in the Department of Revenue No. S.O. 835(E) dated 21-9-1987 ;

(*b*) before the expiry of 15 days from the date on which the provisions of Chapter XXC come into force in any areas, other than the areas referred to in clause (*a*), where the agreement for transfer is entered into before such date ; and

(*c*) before the expiry of 15 days from the date on which the agreement for transfer is entered into, in cases not covered by clauses (*a*) and (*b*).".

[16] **Ministry of Finance (Department of Revenue), (Central Board of Direct Taxes) (Income Tax), Noti. No S.O. 846(E), dated November 19, 1986, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 19th November, 1986, pp. 1-2** [*No. 7018/F. No. 142/75/86-TPL*] [W]

In the notification of the Government of India in the Ministry of Finance (Department of Revenue) (Central Board of Direct Taxes) No. S.O. 654(E), dated the 4th September, 1986, published in 1986 LLT-III-179 § [133], at page 180,—

(*a*) in the 19th line for the words

"I*/We have to report that the statutory audit of..... (name and address of the assessee) (Permanent Account No.) us/M/s."

read

"I*/We have to report that the statutory audit of (name and address of the assessee) (Permanent Account No.) was conducted by me/us/M/s."

(*b*) in lines (22 & 23) for the words "with a copy of the audited profit and loss account*" read "with a copy of each of the audited profit and loss account*"

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[17] **Ministry of Finance (Department of Revenue), (Central Board of Direct Taxes) (Income Tax), Noti. No. S.O. 847(E), dated November 19, 1986, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 19th November, 1986, p. 2** [*No. 7018/F. No. 142/75/86-TPL*] [W]

In the notification of the Government of India in the Ministry of Finance (Department of Revenue) (Central Board of Direct Taxes) No. S.O. 702(E), dated the 1st October, 1986, published in 1986 LLT-III-187 § [141] at page 188,—

in para 2 in the 7th line for the word "appellate", read "appellant".

[18] **Ministry of Labour, Noti. No. G.S.R. 385, dated May 1, 1987, published in the Gazette of India, Part II, Section 3(i), dated 16th May, 1987, p. 1258** [*No. S. 35011/11/83-SS. IV*] [W][L]

In exercise of the powers conferred by Section 6-A read with sub-section (1) of Section 7 of the **Employees' Provident Funds and Miscellaneous Provisions Act, 1952** (19 of 1952), the Central Government hereby makes the following scheme further to amend the Employees' Family Pension Scheme, 1971, namely :—

1. (*i*) This Scheme may be called the **Employees' Family Pension (Amendment) Scheme, 1987.**

(*ii*) It shall come into force on the date of its publication in the Official Gazette.

2. In the Employees' Family Pension Scheme, 1971, in paragraph 4, after sub-paragraph (2-C), the following sub-paragraph shall be *added* namely :—

"(2-D) In so far as the employees in respect of Lignite Mines" specified in the notification of Government of India in the Ministry of Labour GSR No. 31, dated the 16th December, 1978, which came into force on 6th January, 1979, the option, if any exercised by them in accordance with the provisions of Paragraph 4 of the Coal Mines Family Pension Scheme, 1971 framed under the Coal Mines Provident Funds and Miscellaneous Provisions Act, 1948, shall be deemed to be an option exercised under the Employees' Family Pension Scheme, 1971."

[19] **Ministry of Finance (Department of Revenue) Central Board of Direct Taxes, Noti. No. S.O. 919(E), dated October 14, 1987, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 14th October, 1987 p. 2** [*No. 7585/F. No. 143/1/87-TPL*] [W] [P]

In exercise of the powers conferred by sub-section (3) of Section 1 of the **Expenditure-tax Act, 1987** (35 of 1987), the Central Government hereby appoints the 1st day of November, 1987 as the date on which the said Act shall come into force.

[20] **Ministry of Welfare, Noti. No. G.S.R. 710(E), dated August 13, 1987, published in the Gazette of India, Extra., Part II, Section 3(i), dated 13th August, 1987, p. 2** [*F. No. 8-1/85-SD (Vol. II)*] [W] [P]

In exercise of the powers conferred by sub-section (3) of Section 1 of the **Juvenile Justice Act, 1986** (53 of 1986), the Central Government hereby appoints the 2nd day of October, 1987 as the date on which all the provisions of the Act shall come into force in all the States to which it extends.

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[21] **Ministry of Labour, Noti. No. G.S.R. 932(E) dated November 25, 1987 published in the Gazette of India, Extra., Part II, Section 3(i), dated 25th November, 1987, pp. 2-3** [*File No. S. 45011/2/86-LW*] [C][L]

In exercise of powers conferred by Section 35 of the **Inter-State Migrant Workmen (Regulation of Employmeut and Conditions of Service) Act, 1979 (30 of 1979)**, the Central Government hereby makes the following amendments in the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Central Rules, 1980, namely :—

1. (1) These rules may be called the **Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Central (Amendment) Rules, 1987.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Central Rules, 1980, (hereinafter referred to as the said rules), in sub-rule (2) of Rule 11, after clause (*xiii*), the following clause shall be *inserted*, namely :—

"(*xiv*) any change in the number of migrant workmen shall be notified to the licensing officer within seven days of this change."

3. In sub-rule (2) of Rule 12, of the said rules for the word and figure, "Section 7", the word and figure "Section 8" shall be *substituted*.

4. For sub-rule (1) of Rule 51 of the said rules the following shall be *substituted* namely :—

"(1) Every contractor shall maintain displacement-cum-outward journey allowances sheet in form XV and return journey allowance register in form XVI."

[22] **Ministry of Finance (Department of Revenue), Noti., No. G.S.R. 897 (E), dated November 9, 1987, published in the Gazette of India, Extra., Part II, Section 3(i), dated 9th November, 1987, p.2** [*No. 249/87-CE/F. No. 267/42/85-CX-8*] [C]

In exercise of the powers conferred by Section 37 of the **Central Excises and Salt Act, 1944** (1 of 1944), the Central Government hereby makes the following rules further to amend the Central Excise Rules, 1944, namely :—

1. (1) These rules may be called the **Central Excise (8th Amendment) Rules, 1987.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In Rule 97 of the Central Excise Rules, 1944, in sub-rule (1), in the proviso occurring at the end, after clause "(*b*)", the following clause shall be *inserted*, namely :—

"(*c*) on cigarettes.".

[23] **Ministry of Industry (Department of Industrial Development), Noti. No. S.O. 882(E), dated October 5, 1987, published in the Gazette of India, Extra., Part II. Section 3(ii), dated 5th October, 1987, p. 2** [*No. 3(i)/83-KVI(I) Vol. III*] [C]

In exercise of the powers conferred by sub-section (2) of Section 1 of the **Khadi and Village Industries Commission (Amendment) Act, 1987** (12 of 1987), the Central Government hereby appoints the 1st day of

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April 1988 as the date on which the provisions of Section 11 to 13 (both inclusive) of the said Act shall come into force.

[24] **Ministry of Labour (D.G.E. & T.), Noti., No. G.S.R. 974(E), dated December, 10, 1987, published in the Gazette of India, Extra., Part II, Section 3(i), dated 19th December, 1987, p. 2** [*No. DGET-1(8)/83-AP*] [C]

In exercise of the powers conferred by sub-section (2) of Section 1 of the **Apprentices (Amendment) Act, 1986** (41 of 1986), the Central Government hereby appoints the 16th day of December, 1987, as the date on which the said Act shall come into force.

[25] **Ministry of Health and Family Welfare (Department of Health), Noti. No. G.S.R. 840(E), dated October 6, 1987, published in the Gazette of India, Extra., Part II, Section 3(i), dated 6th October, 1987, pp. 3-4** [*No. P. 15013/10/86-PH (F & N)*] [C][P][L]

In exercise of the powers conferred by sub-section (1) of Section 23 of the **Prevention of Food Adulteration Act, 1954** (37 of 1954), the Central Government after consultation with the Central Committee for Food Standards, hereby makes the following rules further to amend the Prevention of Food Adulteration Rules, 1955, namely :—

1. (1) These rules may be called the **Prevention of Food Adulteration (Fourth Amendment) Rules, 1987.**

(2) They shall come into force after the expiry of six months from the date of their publication in Official Gazette.

2. In clause (*v*) of sub-rule (5) of Rule 49 of Prevention of Food Adulteration Rules, 1955, the following shall be *inserted*, namely :—

"(*e*) IS : 11434—1985 (Specification for Ionomer Resins in contact with foodstuffs)".

[26] **Ministry of Industry (Department of Industrial Development), Noti. No. G.S.R. 995(E), dated December 16, 1987, published in the Gazette of India, Extra., Part II, Section 3(i), dated 18th December, 1987, p. 2** [*File No. (2)7/84-DPR/EGGS*] [C][L]

In exercise of the powers conferred by Section 5 of the **Explosives Act, 1884** (4 of 1884), the Central Government hereby makes the following rules, namely :—

1. (*i*) These rules may be called the **Explosives (Amendment) Rules, 1987.**

(*ii*) They shall come into force on the date of their publication in the Official Gazette.

2. In the Explosives Rules, 1983, in sub-rule (1) of Rule 114, after clause (*e*), the following clause shall be *inserted*, namely :—

"(*f*) and sale from a shop of amorces (an explosives of Class 7 and division 2 in quantity not exceeding 12.5 Kgs."

[27] **Ministry of Steel and Mines (Department of Mines), Noti. No. G.S.R. 1002(E), dated December 21, 1987, published in the Gazette of India, Extra., Part II, Seetion 3(i), dated 21st December, 1987, p. 2** [*F. No. 6(3)/87-M. VI*] [L]

In exercise of the powers conferred by Section 13 of the **Mines and Minerals (Regulation and Development) Act, 1957** (67 of 1957), the Central Government hereby makes the following rules further to amend the Mineral Concession Rules, 1960, namely :—

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1. (1) These rules may be called the **Mineral Concession (Third Amendment) Rules, 1987.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In Rule 22-B, for clause (*ii*) of sub-rule (2), the following shall be *substituted*, namely :—

"(*ii*) Professional experience of five years of working in a supervisory capacity in the field of mining after obtaining the degree".

[28] **Ministsy of Labour (D.G.E. & T.), Noti. No. G.S.R. 863(E), dated October 19, 1987, published in the Gazette of India, Extra., Part II, Section 3(i), dated 19th October, 1987, pp. 3-4** [*No. DGE&T-4(2)/86-AP*] [C] [L]

In exercise of the powers conferred by sub-section (1) of Section 37 of the **Apprentices Act, 1961** (52 of 1961), and after consulting the Central Apprenticeship Council, the Central Government hereby makes the following rules further to amend the Apprenticeship Rules, 1962 namely :—

1. (1) These rules may be called the **Apprenticeship (Amendment) Rules, 1987.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Apprenticeship Rules, 1962,

(*i*) for sub-rule (1) excluding the proviso, in Rule 7, the following shall be *substituted*, namely :—

"(1) The minimum rates of stipend payable to trade apprentices shall be *substituted* as follows :—

During the first year of training—Rs. 290 per month.

During the second year of training—Rs. 330 per month.

During the third year of training—Rs. 380 per month.

During the fourth year of training—Rs. 440 per month."

(*ii*) for sub-rule (1-A), the following shall be *substituted*, namely :—

"(1-A) The minimum rates of stipend payable to Graduate or Technician Apprentices shall be *substituted* as follows ;

(*i*) Engineering Graduates—Rs. 700 per month (for Post-Institutional Training).

(*ii*) Sandwich course students from Degree Institutions—Rs. 500 per month.

(*iii*) Diploma Holders—Rs. 500 per month (for Post-Institutional Training).

(*iv*) Sandwich course students from Diploma Institutions—Rs. 400 per month."

[29] **Ministry of Health and Family Welfare (Department of Health) Noti. No. G.S R. 917(E), dated November 17, 1987, published in the Gazette of India, Extra., Part II, Section 3(i), dated 17th November, 1987, pp. 3-5** [*No. P. 15014/10/85-PH/F&N*] [P] [C] [L]

In exercise of the powers conferred by sub-section (1) of Section 23 of the **Prevention of Food Adulteration Act, 1954** (37 of 1954), the Central Government after consultation with Central Committee for Food Standards, hereby makes the following rules, further to

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amend the Prevention of Food Adulteration Rules, 1955 namely :—

1. These rules may be called the **Prevention of Food Adulteration (Seventh Amendment) Rules, 1987.**

(2) They shall come into force on the date of their publication in the Official Gazette, except Rule 2 which will come into force after three months from the date of their publication.

2. In the Prevention of Food Adulteration Rules, 1955 (hereinafter referred to as the said rules), in Rule 42, after clause (*i*) of sub-rule (A), the following clause shall be *inserted*, namely :—

"(*ii*) Every package containing Instant Coffee-Chicory mixture shall have affixed to it a label upon which shall be printed the following declarations ;

Instant Coffee-Chicory mixture made from blends of Coffee and Chicory

Coffee	per cent
Chicory	per cent."

3. In Rule 72 of the said Rules, in the Table, after item 13 and the entries relating thereto, the following item and entries shall be *inserted*, namely :—

1	2	3
14 Calcium Disodium Ethylene, diamine tetra acetate	(*i*) Emulsions containing refined vegetable oils, eggs, vinegar, salt, sugar, and spices ; (*ii*) Salad dressing ; (*iii*) Sandwich spread.	50"

4. In Appendix B of the said rules, in item A.08.05, for the words, figures, brackets and letter, "as provided in sub-rule (A) of Rule 42", the following words, figures, brackets and letter shall be *substituted*, namely :—

"as provided in clause (*ii*) of sub-rule (A) of Rule 42".

[30] **Ministry of Finance (Department of Revenue) (Central Board of Direct Taxes), Noti. No. S.O. 973(E), dated November 4, 1987, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 4th November, 1987, pp. 2-3** [*No. 7608/F. No. 143/2/87-TPL*] [C]

In exercise of the powers conferred by Section 46 of the **Wealth-tax Act, 1957** (27 of 1957), the Central Board of Direct Taxes hereby makes the following rules further to amend the Wealth-tax Rules, 1957, namely :—

1. (1) These rules may be called the **Wealth-tax (Amendment) Rules, 1987.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In Rule 3-A of the Wealth-tax Rules, 1957—

(1) in sub-rule (3), for the letters, figures and word "Rs. 10 lakhs" and "Rs. 2 lakhs", wherever they occur, the letters, figures and word "Rs. 20 lakhs" and "Rs. 5 lakhs" shall, respectively, be *substituted* ;

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(2) in sub-rule (4), for the figures, letters, words and brackets "the District Valuation Officer is pending with him on the 15th day of December, 1976, being the date of commencement of the Wealth-tax (Fourth Amendment) Rules, 1976, the District Valuation Officer shall transfer the reference to the Valuation Officer referred to in clause (*ii*) of sub-rule (3) if the value of the asset as declared in the return made by the assessee under Section 14 or Section 15 does not exceed Rs. 10 lakhs, or", the figures, letters, words and brackets "the District Valuation Officer, the Valuation Officer" the Assistant Valuation Officer, as the case may be, is pending with him on the 4th day of November, 1987, being the date of commencement of the Wealth-tax (Amendment) Rules, 1987—

(*i*) the District Valuation Officer shall transfer the reference to the Valuation Officer, if the value of the asset as declared in the return made by the assessee under Section 14 or Section 15 does not exceed Rs. 20 lakhs,

(*ii*) the Valuation Officer shall transfer the reference to—

(*a*) the District Valuation Officer, if the value of the asset as declared in the return made by the assessee under Section 14 or Section 15 exceeds Rs. 20 lakhs,

(*b*) the Assistant Valuation Officer, if the value of the asset as declared in the return made by the assessee under Section 14 or Section 15 does not exceed Rs. 5 lakhs,

(*iii*) the Assistant Valuation Officer shall transfer the reference to—

(*a*) the District Valuation Officer, if the value of the asset as declared in the return made by the assessee under Section 14 or Section 15 exceeds Rs. 20 lakhs,

(*b*) the Valuation Officer, if the value of the asset as declared in the return made by the assessee under Section 14 or Section 15 exceeds Rs. 5 lakhs but does not exceed Rs. 20 lakhs or, " shall be *substituted*;

(3) after sub-rule (4), the following sub-rule shall be *inserted*:—

"(5) For the purposes of the sub-rules (3) and (4), the value of the assets referred to therein shall be in respect of the asset as a whole, whether owned by the assessee individually or jointly."

[31] **Ministry of Finance (Department of Revenue), Noti. No. G.S.R. 867(E), dated October 20, 1987, published in the Gazette of India, Extra., Part II, Section 3(i), dated 20th October, 1987, pp. 2-3**
[*No. 238/87-CE/F. No. 201/6/87-CX-6*] [C]

In exercise of the powers conferred by Section 37 of the **Central Excises and Salt Act, 1944** (1 of 1944), the Central Government hereby makes the following rules further to amend the Central Excise Rules, 1944, namely:—

1. (1) These rules may be called the **Central Excise (7th Amendment) Rules, 1987.**

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(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Central Excise Rules, 1944, in Rule 2,—

(1) in clause (*ii*), in sub-clause (A),—

(*i*) for item (*c*), the following item shall be *substituted*, namely :—

"(*c*) in the States of Meghalaya, Assam, Arunachal Pradesh, Nagaland, Manipur, Mizoram and Tripura, the Collector of Central Excise, Shillong ;" ;

(*ii*) in item (*g*), for the words "the territory of Goa of the Union Territory of Goa, Daman and Diu", the words "the State of Goa", shall be *substituted* ;

(*iii*) in item (*i*), the word "Goa", shall be *omitted* ; and

(*iv*) in item (*j*), the word "Goa", shall be *omitted* ;

(2) for clause (*viia*), the following clause shall be *substituted*, namely :—

"(*viia*) "Kandla Free Trade Zone" means the Kandla Free Trade Zone comprising the places bearing the survey numbers, 199, 200, 201, 202, 204, 205, 206, 207, 208, 209, 211, 212, 216, 217, 218, 219, 220, 221, 222, 223. 224, 257, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 302, 303, 304, 310, 312, 313 and 315 in the Taluka of Anjar District of Kutch, State of Gujarat, at a distance of 9.6 Kilometres from the port of Kandla, and enclosed by a 3.3528 metres high fencing, consisting of stone masonry in mild steel bar mesh at the top, extending 1,042.49 metres in the North, 1,529.51 metres in the West, 777.85 metres in the South and 1,847.88 metres in the East ; and the places bearing the survey numbers, 12, 13, 14, 18, 19, 20, 21, 22, 23, 210, 213, 214, 215, 227, 256, 258, 259, 264, 265, 298, 299, 300, 307, 308, 309, 311, 314, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328 and 331 in the Taluka of Anjar District of Kutch, State of Gujarat, at a distance of 9.6 Kilometres from the port of Kandla, enclosed partly by 3.3528 metres high fencing consisting of stone masonry in the plinth and mild steel bar mesh at the top and partly by 4.20 metres wall consisting of stone masonry wall up to 3 metres with 1.20 meters barbed wirefencing at the top.

These two combined together extending up to 1552.49 metres in the North, 1512.00 metres in the South, 1849.08 metres in the East and 1560.00 metres in the West.".

[32] Ministry of Labour, Noti. No. G.S.R. 761, dated September 24, 1987, published in the Gazette of India, Part II, Section 3(i), dated 10th October, 1987, pp. 2941-2942 [*No. DGE&T-2(2)/86-AP(I)*] [W] [L]

In exercise of the powers conferred by sub-section (1) of Section 37 of the **Apprentices Act, 1961** (52 of 1961) and after consulting the Central Apprenticeship Council the Central Government hereby makes the following rules further to amend the Apprenticeship Rules, 1962, namely :—

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1. (1) These rules may be called the **Apprenticeship (Amendment) Rules, 1987.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Apprenticeship Rules, 1962 (hereinafter referred to as the said rules), in Rule 5. in sub-rule (1),—

(1) under the heading Group No. 2—FOUNDRY TRADE GROUP, against Serial No. 1 (Pattern Maker), for the existing entry in Column 2, the following shall be *substituted*, namely :—

"819.20";

(2) under the heading Group No. 3, METAL WORKING TRADE GROUP, for Serial No. 1 (Black Smith) and the corresponding entries in Columns 1 and 2, the following entries shall be *substituted*, namely :—

"1.	Forger and Heat Treater	723.80, 726.90, 831.10, 831.30, 831.50";

(3) under the heading Group No. 5, BUILDING AND FURNITURE TRADE GROUP,

(*a*) Serial No. 3 (Brick Layer) and the corresponding entries relating thereto shall be *omitted*;

(*b*) for Serial No. 4 (Brick Mason/Building Constructor) and the corresponding entries in Columns 1, 2 and 3, the following shall be *substituted*, namely :

"4. Mason (Building Constructor) 951.20 Two years";

(4) under the heading Group No. 8, Instrument Trade Group against Serial No. 1 (Instrument Mechanic), for the existing entry in Column 2, the following shall be *substituted*, namely :—

"841.15";

(5) under the heading Group No. 10, HEAT ENGINE TRADE GROUP against Serial No. 3 (Mechanic Tractor) for the existing entry in Column 2, the following shall be *substituted*, namely :

"845.20";

(6) under the heading Group No. 16, TEXTILE TRADE GROUP

(*a*) for Serial No. 7 (Warper and Sizer) and the corresponding entries in Columns 1, 2 and 3, the following Serial No. and entries shall respectively be *substituted*, namely :

"7.	Creel Boy-cum-Warper	753.10, 753.20 Six months";

(*b*) after Serial No. 7, the following shall be *inserted*, namely :

"8.	Back Sizer-cum-Front Sizer	753.40, 753.50 Six months";

(7) under the heading Group No. 21, AGRICULTURAL TRADES GROUP, after Serial No. 2, and the entries relating thereto the following

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against respective Columns shall be *inserted*, namely :—

"3.	Stockman (Dairy)	082.10, 082.20 Two years;
4.	Attendant Operator (Dairy)	776.10, 776.20, 776.30, 776.40, 776.50, 776.60, 776.70, 776.90 Three years"
5.	Pump Mechanic	845.57 Two years";

(8) under the heading Group No. 28, GLASS AND CERAMIC TRADE GROUP after Serial No. 10, and the entries relating thereto the following shall be *inserted*, namely :

"11.	Insulator Maker/ Machine Operator (Ceramic)	899.44, 899.45 Three years;
12.	Optical Worker	891.48 Three years".

3. In Schedule 1 of the said rules,

(1) against Serial No. 1 (Instrument Mechanic), for the existing entry under Column 3, the following shall be *substituted*, namely :—

"Passed Matriculation with Science (with Physics and Chemistry) as a subject or its equivalent or passed 10th Class with Science as one of the subject under 10+2 system";

(2) against Serial No. 48 (Black Smith), for the existing entries in Columns 2 and 3, the following shall be *substituted*, namely :

"Forger and Heat Treater	Passed matriculation or its equivalent or passed 10th class under 10+2 system";

(3) Serial No. 59 (Brick Layer) and the entries relating thereto, shall be *omitted*;

(4) against Serial No. 114 (Warper and Sizer), for the existing entries in Column 2 and 3, the following shall be *substituted*, namely :—

"Creel Boy-cum-Warper	Passed 8th class or its equivalent";

(5) against Serial No. 129 (Watch and Clock Repairer),

(*a*) for the existing entry in Column 3 the following shall be *substituted*, namely :—

"Passed Matriculation or its equivalent or passed 10th class under 10+2 system";

(*b*) the entry under Column 4 shall be *omitted*;

(6) after Serial No. 139, and the entries relating thereto the following shall be *inserted*, namely :

"140.	Stockman (Dairy)	Passed in 10th class examination under 10+2 system of education with Science or its equivalent.

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141.	Attendant operator (Dairy)	Passed in the 10th class examination under 10+2 system of education with Science and Mathematics or its equivalent.
142.	Pump Mechanic	Passed Matriculation or its equivalent or passed 10th class under 10+2 system.
143.	Insulator Maker/Machine Operator (Ceramic)	Passed Matriculation with Science (with Physics and Chemistry) as subject or its equivalent or passed class 10th with Science as one of the subjects under 10+2 system.
144.	Back Sizer-cum-Front Sizer	Passed Matriculation or its equivalent or passed 10th Class under 10+2 system.
145.	Optical worker	Passed Matriculation examination or its equivalent or passed 10th class under 10+2 system".

[33] **Ministry of Labour, Noti. No. G.S.R. 762, dated September 24, 1987, published in the Gazette of India, Part II, Section 3(i), dated 10th October, 1987, pp. 2942-2943** [*No. DGE&T-2(2)/86-AP(II)*] [W]

In pursuance of sub-section (1) of Section 8 of the **Apprentices Act, 1961** (52 of 1961) the Central Government after consultation with the Central Apprenticeship Council hereby determines that for the designated trades specified in Column 1 of the table below ratio of trade apprentices to workers other than unskilled workers in that trade shall be to as indicated in Column 3 thereof:

Designated Trades	Code No.(s) National Classification of occupation (1968 pattern)	Ratio of apprentices to workers other than unskilled workers
1	2	3
1. Stockman (Dairy)	082.10, 082.20	1 : 7
2. Attendant Operator (Dairy)	776.10, 776.20, 776.30, 776.40, 776.50, 776.60, 776.70, 776.90.	1 : 7
3. Pump Mechanic	845.57	1 : 5
4. Insulator maker/ Machine operator (Ceramic)	899.44 899.45	1 : 7
5. Creel Boy-cum-Warper	753.10 753.20	1 : 15
6. Back Sizer-cum-Front Sizer	753.40 753.50	1 : 15
7. Optical Worker	891.48	1 : 7

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[34] **Ministry of Labour, Noti. No. G.S.R. 763, dated September 24, 1987, published in the Gazette of India, Part II, Section 3(i), dated 10th October, 1987, p. 2943** [*No. DGE&T-2(2)/86-AP(III)*] [W]

In exercise of the powers conferred by clause (*e*) of Section 2 of the **Apprentices Act, 1961** (52 of 1961) and after consultation with the Central Apprenticeship Council, the Central Government hereby specifies the following trades designated trades for the purposes of the said Act, namely:

	Trade	Code No. National Classification of occupation (1968 pattern)
	1	2
1.	Stockman (Dairy)	082.10, 082.20
2.	Attendant operator (Dairy)	776.10, 776.20, 776.30, 776.40, 776.50, 776.60, 776.70, 776.90
3.	Pump Mechanic	845.57
4.	Insulator Maker/Machine Operator (Ceramic)	899.44, 899.45
5.	Optical Worker	891.48
6.	Back Sizer-cum-Front Sizer	753.40, 753.50

The reference is to National classification of occupations adopted by Government of India in the Ministry of Labour, Directorate General of Employment & Training.

[35] **Ministry of Agriculture (Department of Agriculture and Cooperation), Noti. No. S.O. 869(E), dated September 29, 1987, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 29th September, 1987, p. 2** [*No. 32-2/85-LD. II*] [C]

In exercise of the powers conferred by Section 5 of the **Essential Commodities Act, 1955** (10 of 1955) and in modification of this Ministry's Order No. 32-2/85-LD. II dated the 21st August, 1987 printed in 1988 CCL-III-100 [62], the Central Government hereby directs that in the Schedule to the said Order, for entry number 9, the following entry shall be *substituted* namely :—

"Oil cakes of til and groundnut".

[36] **Ministry of Labour Noti. No. S.O. 873(E), dated October 1, 1987, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 1st October, 1987, p. 2** [*No. S-70012/5/87-SS. (II)*] [W]

In exercise of the powers conferred by sub-section (2) of Section 1, of the **Payment of Gratuity (Amendment) Act, 1987** (22 of 1987), the Central Government hereby appoints the 1st day of October, 1987, as the date on which the provisions of Sections 2, 3, clauses (*b*) and (*c*) of Section 4, Sections 6, 7, 8 and 9 of the said Act, shall come into force.

[37] **Ministry of Labour, Noti. No. S.O. 874(E), dated October 1, 1987, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 1st October, 1987 p. 2** [*No. S-70012/6/87-SS. II(II)*] [W]

In exercise of the powers conferred by sub-section (3-A) of Section 7 of the **Payment of Gratuity Act, 1972** (39 of 1972), the Central Government hereby specifies ten per cent per annum as the rate of simple interest payable for the time being by the employer to his employee in cases where the gratuity is not paid within the specified period.

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2. This notification shall come into force on the date of its publication in the Official Gazette.

[38] **Ministry of Health and Family Welfare (Department of Health), Noti. No. G.S.R. 918(E), dated November 17, 1987, published in the Gazette of India, Extra., Part II, Section 3(i), dated 17th November, 1987, pp. 1-2** [*No. P. 15014/12/83-PH(F & N)*] [C]

Corrigendum

In the notification of Government of India in the Ministry of Health and Family Welfare (Department of Health), G.S.R. 422(E), dated 29th April, 1987, published in 1987 LLT-III-165 § [133]—

1. At page 166, Rule 3, para (*d*), in the proviso to NOTE, read "label", for word "lable".
2. At page 166—Ist line of sub-rule (*e*), read "batch" for the word "back', in sub-rule (*f*), 3rd line, read the word "20g or less" for word "20g less".

[39] **Ministry of Human Resource Development (Department of Women & Child Development), Noti. No. G.S.R. 821(E), dated September 25, 1987, published in the Gazette of India, Extra., Part II, Section 3(i), dated 25th September, 1987, p. 1** [*File No. 9-90/86-WW (Pt.)*] [C]

In exercise of the powers conferred by the sub-section (3) of the Section 1 of the **Indecent Representation of Women (Prohibition) Act, 1986** (60 of 1986), the Central Government hereby appoints the 2nd Day of October, 1987 as the date on which the said Act shall come into force.

[40] **Ministry of Human Resource Development (Department of Women & Child Development), Noti. No. G.S.R. 822(E), dated September 25, 1987, published in the Gazette of India, Extra., Part II, Section 3(i), dated 25th September, 1987, pp. 3-4** [*F. No. 9-90/86-WW*] [C]

In exercise of the powers conferred by Section 10 of the **Indecent Representation of Women (Prohibition) Act, 1986** (60 of 1986), the Central Government hereby makes the following rules, namely :—

1. **Short title and commencement.**—(1) These rules may be called the **Indecent Representation of Women (Prohibition) Rules, 1987.**

(2) They shall come into force on the 2nd day of October, 1987.

2. **Definitions.**—(1) In these rules unless the context otherwise requires,—

(*a*) 'Act' means the Indecent Representation of Women (Prohibition) Act, 1986 (60 of 1986) ;

(*b*) 'article' means any book, pamphlet, paper, slide, film, writing, drawing, photograph, representation of figure ;

(*c*) 'authorised officer' means any Gazetted Officer authorised by the State Government for the purpose of Section 5 of the Act ;

(*d*) 'section' means a section of the Act.

(2) Words and expressions used in these rules and not defined, shall have the meanings respectively assigned to them in the Act.

3. **Manner of seizing of articles.**—(1) Every seizure made in pursuance of the provisions of sub-section (1) of Section 5 shall be made in the manner hereinafter provided in these rules.

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(2) The authorised officer seizing any advertisements or articles under sub-section (1) of Section 5 shall prepare a list of such advertisements or articles containing such details relating to the description, quality, quantity, mark, number and other particulars thereof as he may consider relevant to the identity of such advertisements or articles in any proceeding under the Act, in the Form annexed to these rules.

(3) The authorired officer shall pack and seal such advertisement or articles in the manner provided in Rule 4 and shall deliver a copy of the list so prepared to the person from whom such advertisements or articles are seized.

(4) The advertisements or articles so seized shall be marked with a distinguishing number and shall also be signed by the authorised officer, the person from whom such advertisements or articles have been seized and two respectable inhabitants of the locality. If it is not possible to mark any such advertisement or article, the marking may be done on the packaging or in any other manner which the authorised officer thinks proper.

4. Manner of packing and dealing the advertisements or articles seized.—(1) The advertisements or articles seized shall be packed in adequately strong paper, cloth or in any other packing material in such a way that the advertisements or articles may not be tampered with and the ends of the paper, cloth or other packing material shall be neatly folded in and affixed by means of gum or other adhesive or stitched in or tied.

(2) The package shall be further secured by means of strong twine or thread shall be fastened on the package by means of sealing wax on which there shall be at least four distinct and clear impressions of the seal of the authorised officer of which one shall be on the top of the package, one at the bottom and the other two at the body of the package and knots of the twine or thread shall be covered by means of sealing wax bearing the impression of the seal of the authorised officer.

(3) Where necessary, the authorised officer shall put the advertisements or articles in a box or a container of a suitable material and size and seal it in the manner provided in sub-rule (2).

5. Manner of seizing and sealing of advertisements or articles in certain cases.—Notwithstanding anything contained in Rules 3 and 4, where the authorised officer is of the opinion that it is not possible to seize and seal any advertisement or article in the manner prescribed in Rules 3 and 4 due to the size or the nature of such advertisement or article, he may take such steps as he thinks fit for the seizure and sealing of such advertisement or article without affecting the integrity, utility or saleable value thereof.

THE INDECENT REPRESENTATION OF WOMEN (PROHIBITION) RULES, 1987

FORM

[*See* Rule 3(2)]

List of Advertisements or Articles Seized

To

(Name and address of the person from whom the advertisement/s or article/s are seized)

.....

.....

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The advertisement/s, article/s detailed below has/have this day been seized by me under sub-section (1) of Section 5 of the Indecent Representation of Women (Prohibition) Act, 1986 (60 of 1986), from the premises.....,situated at.....

Details of the advertisement/s article/s seized :

Place..... .....

(Authorised Officer)

SEAL

Area.....

[41] **Ministry of Labour, Noti. No. G.S.R. 785, dated September 28, 1987, published in the Gazette of India, Part II, Section 3(i), dated 17th October, 1987, pp. 2997-2998** [*No. DGE & T-2(5)/86-AP*] [W] [L]

In exercise of the power conferred by sub-section (1) of Section 37 of the **Apprentices Act, 1961** (52 of 1961), and after consulting the Central Apprenticeship Council, the Central Government hereby makes the following rules further to amend the Apprenticeship Rules, 1962, namely :—

1. (1) These rules may be called the **Apprenticeship (Amendment) Rules, 1987.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In Rule 2 of the Apprenticeship Rules, 1962 (hereinafter referred to as the said rules),—

(*i*) after clause (*bb*), the following clause shall be *inserted*, namely :—

"(*bbb*) 'Vocational certificate holder' means a person who holds a certificate in a Vocational Course, involing two years of study after the completion of secondary stage of school education, recognised by the All India Council for Technical Education." ;

(*ii*) in clause (*dd*), after the words "diploma in engineering or technology", the words "or certificate in vocational course" shall be *inserted*.

3. In sub-rule (2) of Rule 3 of the said rules,—

(*i*) after the words "or technician", the words "or Technician Vocational" shall be *inserted* ;

(*ii*) in proviso (*i*) after the words "or diploma holder", the words "or vocational certificate holder" shall be *inserted* ;

(*iii*) in proviso (*iii*), after the words "or technician" the words "or technician (vocational)" shall be *inserted*.

4. In Rule 4 of the said rules, in the proviso to sub-rule (1), after the words "a degree or diploma in engineering or technology", the words "or certificate in vocational course" shall be *inserted*.

5. In Rule 4-A of the said rules, after the words "in such designated trade", the words "or trades" and after the words "the said schedule", the words "and where there is more than one designated trade in an establishment such training places shall be reserved also on the basis of total number of apprentices in all designated trades in such establishments" shall be *inserted*.

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6. In Rule 5 of the said rules, in sub-rule, (4),—

(*i*) in clause (*i*), after the words "diploma holders", the words "and vocational certificate holder" shall be *inserted*;

(*ii*) in clause (*iii*), after the words "technician" the words and brackets "technician (vocational)" shall be *inserted*.

7. In Rule 6 of the said rules, below the words and figure "techinician apprentices Rs. 450.00", the words and figure "technician (vocational) apprentices Rs. 380" shall be *inserted*.

8. In Rule 6-B of the said rules, after the word "technician", the words and brackets "or technician (vocational)" shall be *inserted*.

9. In Rule 7 of the said rules, in sub-rule (1-A),—

(*a*) after the words "or technician", the words and brackets "or technician (vocational)" shall be *inserted*;

(*b*) after clause (*iv*), the following clause shall be *inserted*, namely:—

"(*v*) Vocational certificate holder Rs. 380".

10. In Rule 8 of the said rules, in sub-rule (3), after the words "or technician", the words and brackets "or technician (vocational)" shall be *inserted*.

11. In Rule 10, of the said rules,—

(*i*) in sub-rule (9), after the words "or technician", the words and brackets "or technician (vocational)" shall be *inserted*.

(*ii*) in sub-rule (10), the word "and" appearing after the word "graduate" shall be substituted by the sign "," and after the word "technician", the words and brackets "and technician (vocational)" shall be *inserted*.

12. In Schedule 1-A of the said rules,—

(1) in Serial Nunmer 2 relating to Technician Apprentices,—

(*i*) item "(*d*)" shall be *omitted*;

(*ii*) in item "(*e*)" the words letter and brackets "or a diploma or certificate mentioned in (*a*) above" shall be *omitted*;

(2) after Serial Number 2, the following Serial Number shall be *inserted*, namely:—

"*3. Technician (Vocational) Apprentices.*—(*a*) A certificate in vocational course involving two years of study after the completion of the secondary stage of school education recognised by the All India Council for Technician Education;

(*b*) A Sandwich course student who is under going training in order that he may hold a certificate mentioned in (*a*) above".

13. In Schedule III of the said rules,—

(1) in Form APP-5,—

(*i*) after the words "or technician" the words and brackets "or technician (vocational)" shall be *inserted*;

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(*ii*) in column 4, for the expressions "engineering/technology" the expressions "engineering/technology/vocational course" shall be *substituted*.

(2) In Form APP-6,—

(*i*) for the words, "graduate or technician", the words and brackets "graduate or technician or technician (vocational)" shall be *substituted*.

(*ii*) for the words "engineering or technology", the words "engineering or techology or vocational course" shall be *substituted*.

14. In Schedule IV of the said rules,—

(*i*) in Serial Number III, for the words "technician apprentices", the words and brackets "technician and technician (vocational) apprentices" shall be *substituted*.

(*ii*) for the words "engineering or equivalent qualification", the words "engineering or certificate in vocational course or equivalent qualification" shall be *substituted*.

[42] Supreme Court of India, Noti. No. G.S.R. 821, dated September 22, 1987, published in the Gazette of India, Part II, Section 3(i), dated 7th November, 1987, pp. 3111-3112 [*No. F. 1/86-A.R.-I*] [C] [SCC]

In exercise of its powers under Article 145 of the **Constitution of India** and all the other powers enabling it in this behalf, the Supreme Court hereby makes, with the approval of the President of India, the following rules further to amend the Supreme Court Rules, 1966, as under :

1. (*i*) These rules may be called the **Supreme Court (Third Amendmend) Rules, 1987** ;

(*ii*) They shall come into force on the date of their publication in the Gazette of India ;

2. In the Supreme Court Rules, 1966—

In Order XX-D, Rule 5 is substituted by the following rule :

"5. The paper books shall be prepared by the State concerned and filed within thirty days from the settlement of index and the appeal shall be heard on the paper books filed by the State Government. The original record shall be placed before the Court at the hearing of the appeal."

3. Rule 5 of Order XXXVI-A is substituted by the following rule :

"5. (1) On transfer, the case shall be registered in the Court as Transferred Case.

(2) The Registrar of the High Court shall have the record of the transferred case prapared and printed in accordance with the First Schedule to the Rules and transmit, within six months from the date of the order of the transfer, twenty copies of the said printed record, one copy of which shall be duly authenticated by him.

(3) Where the Court has ordered the transfer of the case at the instance of a party, the record abovesaid shall be prepared at the cost of such party.

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(4) Where the Court has directed the transfer of the case upon the application by the Union of India or the State Government, the record abovesaid shall be prepared at the cost of the Government of India or the State concerned, as the case may be.

(5) Where the Court has directed the transfer of a case on its own motion, the record shall be prepared in accordance with the Rules of the High Court or subject to the directions of the Court, if any, regarding the cost thereof.

Provided, however, that where the record has been printed for the purpose of the case before the High Court and sufficient number of copies of the said printed record are available, the same shall be sent to the Court and no fresh printing of the record shall be necessary, except, however, such additional papers as may be required.

(6) The Registrar of the High Court shall give notice to the parties to the transferred case regarding the transmission of the printed record to the Court simultaneously with such transmission of the printed record.

(7) Where in a case, the Court directs that the original record be sent for and the case record, prepared in the Court, the record shall be prepared under the supervision of the Registrar of the Court, and in accordance with the provisions of Rules 15 to 18 of Order XV and the First Schedule to the Rules, the cost of the preparation of the record being borne as per the sub-rules (3), (4) and (5) of Rule 5 of this Order, and as soon as the index of the record is settled, the Registrar of the Court shall cause an estimate of the cost of the preparation of the record to be prepared and served upon the party who is to bear the cost as per the sub-rules abovesaid and require the said party to deposit the said amount of cost within 30 days of the service of the estimate. The said party may deposit the amount of estimate in lump or in such instalments as the Registrar may prescribe."

4. After Order XX-D and the rules relating thereto, the following is *inserted*:—

"ORDER XX-E: APPEALS UNDER SECTION 17 OF THE TERRORIST AND DISRUPTIVE ACTIVITIES (PREVENTION) ACT, 1987.

1. Rules 1 to 7 of the Order XX-D of the Rules, relating to the appeals under the Terrorist and Disruptive Activities (Prevention) Act, 1985, shall, with the necessary modifications and adaptations, apply to the appeals under this Order.

2. The Court shall hear and dispose of, under Section 18(6) of the Terrorist and Disruptive Activities (Prevention) Act, 1987, read with the provisions of Sections 366 to 371 and 392 of the Code of Criminal Procedure, 1973, a case sumbitted by a designated Court for confirmation of the sentence of death awarded by such Designated Court.

[43] **Ministry of Labour, Noti. No. G.S.R. 832, dated October 23, 1987, published in the Gazette of India, Part II, Section 3(i), dated 17th November, 1987, pp 3144-3145** [*No. S. 70012/14/86-SS. II*] [W] [L]

In exercise of the powers conferred by Section 5, read with sub-section (1) of Section 7 of the **Employee's Provident Funds and Miscellaneous Provisions Act, 1952** (19 of 1952), the Central Government hereby makes the following scheme further to amend the Employees' Provident Funds Scheme, 1952, namely:—

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1. (1) This scheme may be called the **Employees' Provident Funds (3rd Amendment) Scheme, 1987.**

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Employees' Provident Funds Scheme, 1952,

(1) in paragraph 68-B, after sub-paragraph (10), the following proviso shall be *inserted* :—

"Provided that the recovery of withdrawal under sub-paragraph (10) shall be restricted to cases where the recovery has been ordered by the sanctioning authority while the member is in service".

(2) in paragraph 68-BB for the word "advance" and words "an advance" wherever they occur, the word "withdrwal" shall be *substituted* ;

(3) Paragraph 68-D shall be *omitted*,

(4) in paragraph 68-K, sub-paragraph (4) shall be *omitted*.

(5) after the existing paragraph 68-N, the following paragraph shall be *inserted* :—

"68-O. Payment of withdrawal or advance -the payment of withdrawal or advance under paragraphs 68-B, 68-BB, 68-H, 68-J, 68-K, 68-L, 68-M and 68-N of the scheme may be made, at the option of the member—

(*i*) by postal money order, or

(*ii*) by deposit in the payee's bank account in any Scheduled Bank or in Co-operative Bank (including the Urban Co-operative Bank) or any post office, or

(*iii*) through the employer".

(6) In Paragraph 69,

(*i*) In sub-paragraph (1), in clause (*c*), the words 'or for taking employment abroad' shall be *inserted* at the end.

(*ii*) in sub-paragraph (2), in clause (*b*), the following proviso shall be *inserted*, namely :—

"Provided that the requirement of two months waiting period shall not apply in cases of female members, resigning from the service of the establishment for the purpose of getting married" ;

(7) in paragraph 72,

(*i*) in sub-paragraph (3), for the letters and figures "Rs. 10,000", at two places where they occur the letters and figures "Rs. 20,000" shall be *substituted*.

(*ii*) in sub-paragraph (3-A), for the letters and figures "Rs. 10,000", at two, places where they occur the letters and figures "Rs. 20,000", shall be *substituted*.

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[44] **Ministry of Finance (Department of Revenue), Central Board of Direct Taxes), Noti. No. S.O. 1136(E), dated December 30, 1987, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 1st January, 1988, p. 2** [*No. 7675/F. No. 142/51/87-TPL*] [C]

In exercise of the powers conferred by Section 295 of the **Income-tax Act, 1961** (43 of 1961), the Central Board of Direct-Taxes hereby makes the following rules further to amend the Income-tax Rules, 1962, namely :—

1. (1) These rules may be called the **Income-tax (Ninth Amendment) Rules, 1987.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Income-tax Rules, 1962, in Appendix II, in Form 3-AA, in Part III,—

(1) in Item 4,—

(*a*) for the words "Plus : Amount of despreciation debited in the audited profit and loss account or income and expenditure statement" the words, brackets and figures "Plus ;

(*i*) the amount of depreciation ;

(*ii*) the amount of income-tax paid or payable, and provision therefor ;

(*iii*) the amount of surtax paid or payable under the Companies (Profits) Surtax Act, 1964 (7 of 1964) ;

(*iv*) the amounts carried to any reserves, by whatever name called ;

(*v*) the amount or amounts set aside to provisions made for meeting liabilities, other than ascertained liabilities ;

(*vi*) the amount by way of provision for losses of subsidiary companies ; and

(*vii*) the amount or amounts of dividends paid or proposed ;

if any, debited in the audited profit and loss account or income and expenditure statement" shall be *substituted* ;

(*b*) for the words, figures and brackets "Less : Amount of depreciation computed in accordance with the provisions of Section 32(1)", the words, figures and brackets "Less :

(*i*) the amount of depreciation computed in accordance with the provisions of Section 32(1) ; and

(*ii*) the amount or amounts withdrawn from reserves or provisions, if such amounts are credited to the audited profit and loss account or income and expenditure statement" shall be *substituted* ;

(2) for Item 6, the following item shall be *substituted*, namely :—

'6. The amounts deposited before the expiry of six months from the end of the previous year or before furnishing the return of income, whichever is earlier, with the Development Bank in accordance with the Scheme, out of the income of the previous year chargeable to tax under the head "Profits and gains of business or profession". (Please indicate the account number, the branch of the concerned Development Bank and the dates and the amounts of deposits).'

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[45] **Ministry of Agriculture (Department of Agriculture & Cooperation), Noti. No. S.O. 10(E), dated January 1, 1988, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 1st January, 1988, p. 2**
[*No. 17-3-87-SD-IV*] [C]

In exercise of the powers conferred by Section 5 of the **Seeds Act, 1966** (54 of 1966), the Central Government, after consultation with the Central Seed Committee, being of opinion that it is necessary and expedient to regulate the quality of the seeds of the varieties specified in column (2) of the Table below of the kinds specified in the corresponding entries in column (3) of the said Table, to be sold for the purposes of agriculture, hereby declares the said varieties of seeds to be the notified varieties for the whole of India for the purposes of the said Act.

TABLE

Sl. No.	Variety	Kind
1	Pusa-33	Arhar
2	TTB-7	Arhar
3	HHB-50	Bajra
4	ICMH-423	Bajra
5	Karan-16	Barley
6	BHS-169	Barley
7	BL-22	Barseem
8	CCH-4	Castor
9	Kanchana	Cotton
10	Pusa Snowball K-1	Cauliflower
11	Pusa Shubhra	Cauliflower
12	Pusa Yamdagni	Carrot
13	Chini Sarson	Chinese Cabbage
14	KBC-1	Cowpea
15	TVX-Cowpea (TVX-944-026)	Cowpea
16	HFG-156	Guar
17	HG-258	Guar
18	Pusa-267 (BG-267)	Gram
19	M-335	Groundnut
20	GG-11	Groundnut
21	VRI-1	Groundnut
22	Kiran (RLC-6)	Linseed
23	Jeewan (DPL-21)	Linseed
24	Arun	Maize
25	VL Makka-41	Maize
26	Aparna	Pea
27	IET-7191	Paddy
28	PR-109	Paddy
29	Annada	Paddy
30	Pusa Chetki	Radish
31	Punjab Ageti	Radish
32	Indaf-9	Ragi
33	Pusa-20	Soyabean
34	TC-289	Sesamum
35	IISR Comp-1	Sugarbeet
36	Pant S-10	Sugarbeet
37	TL-1210	Triticale
38	Pusa Gaurav	Tomato
39	Sree Priya	White Yam
40	Sree Subhra	White Yam

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[46] **Ministry of Finance(Department of Revenue), Noti. No. S.O. 260, dated September 18, 1987, published in the Gazette of India, Part II, Section 3(ii), dated 6th February, 1988, p. 365** [*No. 7534/F. No. 178/131/87-IT(A-1)*] [C] [A]

In exercise of the powers conferred by the third proviso to clause (10) of Section 10 of the **Income-tax Act, 1961** (43 of 1961), the Central Government, having regard to the maximum amount which is for the time being exempt under sub-clause (*i*) of the said clause and in supersession of the order issued by the Notification No. GSR 537(E) dated 1st July, 1985, published in 1985 CCL-III-298 § [316] increases the limit of fifty thousand rupees to one lakh rupees for all the three purposes mentioned in the provisions of that clause in relation to the employees who retire or become incapacitated or die on or after 1st January, 1986 or whose services are terminated on or after the said date.

[47] **Ministry of Home Affairs, Noti. No. S. O. 954, dated December 8, 1987, published in the Gazette of India, Part II, Section 3(i), dated 26th December, 1987, p. 3524** [*No. V 11013/2/87-Arms*] [C]

In exercise of the powers conferred by Section 41 of the **Arms Act, 1959** (54 of 1959), the Central Government hereby exempts from the operation of the provision of sub-section (2) of Section 3 of the said Act, the firearms required for safeguarding the property and personnel of any company, firm, bank or industrial or other establishment subject to the following conditions, namely :—

(*i*) the licensing authority shall after taking into account the size, nature and location of the establishment and such other factors as such licensing authority may consider relevant and after considering the views of the establishment determine the number of firearms that may be acquired or possessed by such establishment;

(*ii*) a licence shall be obtained from the licensing authority for each such firearm in favour of the person in charge of the security of such establishment or where there is no such functionary the person in charge of the management of such establishment, by designation;

(*iii*) upon such determination and issue of licenses every such establishment in possession of firearms in excess of the number for which licences have been granted shall forthwith surrender such excess firearms to the officer in charge of the nearest police station or with a licensed dealer in the manner laid down under Section 21 of the said Act read with Rule 46 of the Arms Rules, 1962.

Explanation.—For the purpose of this order :—

(*a*) "bank" means the Reserve Bank of India constituted under the Reserve Bank of India Act, 1934 (2 of 1934) and the scheduled banks as specified in the Second Schedule to the Reserve Bank of India Act, 1934 (2 of 1934);

(*b*) "company" means company as defined in the Companies Act, 1956 (1 of 1956);

(*c*) "establishment" includes, where such establishment has more than one branch, each of its branches;

(*d*) "firearms" means arms and ammunition specified in Columns 2 and 3 of Category III of Schedule 1 to the Arms Rules, 1962;

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(*e*) "firm" has the same meaning as in the Indian Partnership Act, 1932 (9 of 1932) ;

(*f*) "industrial or other establishment" means such establishment as defined in the Payment of Wages Act, 1936 (4 of 1936).

[48] **Ministry of Planning (Department of Revenue), Noti. No. G.S.R. 970, dated December 14, 1987, published in the Gazette of India, Part II, Section 3(i), dated 26th December, 1987, p. 3554** [*No. 4/87-F. No. 616/2/87-OPIUM*] [C]

In pursuance of Rule 5 of the **Narcotic Drugs and Psychotropic Substances Rules, 1985**, the Central Government hereby notifies the tracts in the States of Madhya Pradesh, Rajasthan and Uttar Pradesh specified in the Table below as the tracts within which poppy may be cultivated on account of the Central Government during the opium year commencing on the Ist day of October, 1987 and ending with the 30th day of September, 1988.

Table

DESIGNATION OF TRACTS

Sl. No.	Name of the District	EXTENT TEHSIL/PARGANA
		PART I
		State of Madhya Pradesh
1.	Mandsaur	Neemuch, Mandsaur, Jawaharlal Nehru Krishi Vishwa Vidyalaya, Mandsaur, Manasa, Bhanpura, Jawad, Malhargarh, Sitamau and Garoth.
2.	Ratlam	Ratlam, Sailana, Jaora and Alote.
3.	Jhabua	Petlawad
4.	Ujjain	Khachrod and Mahidpur
5.	Rajgarh	Jeerapur
6.	Shajapur	Susner, Agar, Nalkheda and Barod.
		PART II
		State of Rajasthan
1.	Kota	Atru, Baran, Ramganjmandi, Ladpura, Sangod, Chhabra and Chhipabarod.
2.	Bundi	Bundi.
3.	Chittorgarh	Chittorgarh, Bhadesar, Doongla, Begun Nimbahera, Chhotisadri, Badi Sadri, Pratabgarh, Arnod, Gangrar, Kapasan and Rashmi.
4.	Jhalawar	Jhalarapatan, Khanpur, Aklera, Pachpahar, Pirawa and Gangdhar.

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5.	Udaipur	Vallabhnagar, Mavilli, Dhariawad and Udaipur (Research Station of Rajasthan College of Agriculture).
6.	Bhilwara	Mandalgarh, Motri and Jahajpur.
7.	Banswara	Ghatol (only Semlia Village bordering Tehsil Pratabgarh of District Chittorgarh).

PART III

State of Uttar Pradesh

1.	Faizabad	Mogalsi, Khandasa, Rath and Acharya Narendra Dev University of Agriculture, Kumarganj, Faizabad.
2.	Azamgarh	Nathupur and Ghosi.
3.	Ghazipur	Zamania.
4.	Barabanki	Surajpur, Rudauli, Mawai, Basaudhi, Satrikh, Nawabganj, Pratapganj, Dariyabad, Badhu-Sarai, Fatehpur, Subeha, Haidergarh, Ram Nagar, Deva, Kurshi and Sidhaur.
5.	Lucknow	Mohanlalganj, National Botanical Garden, Lucknow and Central Institute of Medical and Aromatic Plant, Lucknow (Pargana and Tehsil Sadar).
6.	Rae Bareli	Kumhrawan.
7.	Shahjahanpur	Jalalabad, Kant, Tilhar, Katra and Khera-Bajhera.
8.	Bareilly	Bareilly, Sancha, Aonla, Sirhouli(S), Sirauli(N), Faridpur and Ballia, Isapur Farm of ICAR, New Delhi.
9.	Badaun	Badaun, Salempur, Usait, Ujhani, Satasi, Bisauli, Islamnagar, Sahaswan and Kot.

[49] **Ministry of Labour, Noti. No. S.O. 1032(E), dated December 1, 1987, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 1st December, 1987, p. 2** [*No. S-70012/6/87-SS-II*] [C]

In exercise of the powers conferred by Section 8 of the **Payment of Gratuity Act, 1972** (39 of 1972), the Central Government hereby specifies 15 per cent per annum as the rate of compound interest, recoverable by the Collector for the timebeing, along with the amount of gratuity and payable to the person entitled thereto.

2. Thts notification shall come into force on the date of its publication in the Official Gazette.

[50] **Ministry of Finance (Department of Revenue) (Central Board of Direct Taxes), Noti. No. S.O. 109(E), dated January 18, 1988, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 18th January, 1988, p. 2** [*Noti. No. 7733/F. No. 143/1/88-TPL*] [C]

In exercise of the powers conferred by Section 46 of the **Wealth-tax Act, 1957** (27 of 1957), the Central Board of Direct Taxes hereby makes the following rules further to amend the Wealth-tax Rules, 1957, namely :—

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1. (1) These rules may be called the **Wealth-tax (Amendment) Rules, 1988.**

(2) They shall come into force on the 1st day of April, 1988.

2. In the Wealth-tax Rules, 1957, in the Appendix, in Form 'A', in Annexure VI, Items 8 to 22 shall be renumbered as Items 9 to 23 and before Item 9 as so renumbered, the following item shall be *inserted*, namely :—

"8. Deposits under the National Savings Scheme, 1987, referred to in Section 5(1)(*xxvb*)."

[51] **Ministry of Finance (Department of Economic Affairs) (Banking Division), Noti. No. S. O. 133(E), dated January 29, 1988, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 29th January, 1988, p. 2** [*F. No. 2/13/85-B.O. I*] [C]

In exercise of the powers conferred by sub-section (3) of Section 1 of the **Chit Funds Act, 1982** (40 of 1982), the Central Government hereby appoints the 1st day of February, 1988 as the date on which the provisions of the said Act shall come into force in the State of Uttar Pradesh.

[52] **Ministry of Steel and Mines (Department of Mines), Noti. No. G.S R. 856(E), dated October 14, 1987, published in the Gazette of India, Extra., Part II, Section 3(i), dated 14th October, 1987, p. 2** [*F. No. 3(9)/84-M. VI (Vol. III)*] [C]

In the amendments to the Third Schedule to the **Mines and Minerals (Regulation and Development) Act, 1957** (67 of 1957), published with the notification of the Government of India, Ministry of Steel and Mines, Department of Mines No. G. S. R. 458(E), dated the 5th May, 1987, in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (1) also published in 1987 LLT-III-178 § [147],—

at page 10, in the Third Schedule, under column 1, item 2, for "up to 50 hectares" read "above 50 hectares".

[53] **Ministry of Communications (Department of Posts), Noti. No. G.S R. 82, dated January 13, 1988, published in the Gazette of India, Part II, Section 3(i), dated 6th February, 1988, p. 326** [*No. 4-1/86-CI*] [C]

In the Notification of the Government of India, Ministry of Communications (Department of Posts), No. GSR/SO No. 732-E dated 27th August, 1987, published in the Extraordinary Gazette of India, Part II, Section 3, sub-section (1) dated 27th August, 1987 also published in 1987 LLT-III-252 § [186], in Rule 2 for "Rule 17(*f*)" read "Rule 17(1)(*f*)".

[54] **Ministry of Labour, Noti. No. G.S.R. 687, dated August 24, 1987, published in the Gazette of India, Part II, Section 3(i), dated 5th September, 1987, pp. 2388-2389** [*No. S. 70012/4/86 SS. II*] [C]

In exercise of the powers conferred by Section 5, read with sub-section (1) of Section 7 of the **Employees' Provident Funds and Miscellaneous Provisions Act, 1952** (19 of 1952), the Central Government hereby makes the following Scheme further to amend the Employees' Provident Fund Scheme, 1952, namely :—

1. (1) This Scheme may be called the **Employees' Provident Funds (Second Amendment) Scheme, 1987.**

(2) This shall come into force on the date of its publication in the Official Gazette.

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2. In the Employees' Provident Funds Scheme, 1952, after paragraph 80, the following paragraph 81 shall be *inserted*, namely :—

"*81. Special provisions in the case of Cine-Workers.*—The Scheme shall, in its application to Cine-Workers as defined in clause (*c*) of Section 2 of the Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 (50 of 1981), be subject to the following modifications, namely :—

(1) In Chapters I to IX, references to 'industry' and 'employees' shall be construed as references to 'film production' and 'cine-workers', respectively ;

(2) for sub-paragraph (*f*) of paragraph 2, the following sub-paragraph shall be *substituted*, namely :—

"(*f*) 'excluded employees' means :—

(*i*) a cine-worker, who having been a member of the Fund, has withdrawn the full amount of his accumulations in the Fund under clause (*a*) or clause (*c*) of sub-paragraph (1) of paragraph 69;

(*ii*) a 'cine-worker', whose wages at the time he is otherwise entitled to become a member of the Fund exceeds one thousand and six hundred rupees per month and where such remuneration is by way of a lump sum exceeding fifteen thousand rupees.

Explanation.—'Wages' means 'wages' as defined in clause (*k*) of Section 2 of the Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 (50 of 1981)" ;

(3) For paragraph 26, the following paragraph shall be *substituted*, namely :—

"*26. Class of employees entitled and required to join the fund.*— (1)(*a*) Every cine-worker to whom this Scheme applies, other than an excluded employee, shall be entitled and required to become a member of the Fund from the beginning of the month following that in which this paragraph comes into force, if on the date of such coming into force he had worked in not less than three feature films with one or more producers.

Explanation.—'Feature film' means 'feature film' as defined in clause (*f*) of Section 2 of the Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 (50 of 1981).

(*b*) Every cine-worker employed to do any work, in or in relation to any feature film in a film production unit to which this Scheme applies, other than an excluded employee, shall be entitled and required to become a member of the Fund from the beginning of the month following that in which this paragraph comes into force in such film production unit, if on the date of such coming into force, such employee is a subscriber to a Provident Fund maintained in respect of the establishment or in respect of another establishment under the same employer.

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(2) Where the Scheme applies to a film production unit on the expiry or cancellation of an order of exemption under Section 17 of the Act, every cine-worker who but for the exemption would have become and continued as a member of the Fund shall become a member of the Fund forthwith.

(3) After this paragraph comes into force in a film production unit, every cine-worker thereof, other than an excluded employee, who has not become a member already shall also be entitled and required to become a member from the beginning of the month following that in which he completes work in three feature films in that production unit or in another such unit (to which the Act applies) under the same producer or party in one and partly in the other.

(4) An excluded employee referred to in clause (*ii*) of paragraph 2(*f*) of a film production unit to which this Scheme applies shall, on ceasing to be such an employee be entitled and required to become a member of the Fund from the beginning of the month following that on which he ceases to be such employee, provided that on the date on which he ceases to be an excluded employee, he had worked in not less than three feature films in that production unit to which the Act applies under the same producer or partly in one and partly in the other.

(5) On re-election of a class of cine-workers exempted under paragraph 27-A to join the Fund or on the expiry or cancellation of an order under that paragraph, every cine-worker, who for such exemption would have become and continued as a member of the Fund shall forthwith become a member thereof.

(6) Every cine-worker who is a member of a private Provident Fund maintained in respect of an exempted film production unit and who, but for the exemption, would have become and continued as a member of the Fund shall, on joining a film production unit to which this Scheme applies, become a member of the Fund forthwith.

(7) Notwithstanding the other provisions of this paragraph, a Commissioner may, on a joint request in writing of any cine-worker of a film production unit to which this Scheme applies and his producer, enrol such cine-worker as a member who shall, thereafter, be entitled to the benefits and shall be subject to the conditions of the Fund :

Provided that the producer gives an undertaking, in writing, that he shall pay the administrative charges payable and comply with all statutory provisions of the Act and this Scheme in respect of such cine-worker.

26-A. Retention of membership.—A member of the Fund shall continue to be a member until he withdraws under paragraph 69 the amount standing to his credit in the Fund or is covered by a Notification of exemption under Section 17 of the Act or an order of exemption under paragraph 27 or 27-A.

Explanation.—In the case of a claim for refund by a member under sub-paragraph (2) of paragraph 69, the

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membership of the fund shall be deemed to have been terminated from the date the payment is authorised to him by the authority specified in this behalf by the Commissioner irrespective of the date of claim.

26-B. Resolution of doubts.—If any question arises as to whether a cine-worker is entitled or required to become or continue as member, or as to the date from which he is entitled or required to become a member, the decision thereon of the Regional Commissioner shall be final :

Provided that no decision shall be given unless both the film producer and the cine-worker have been given an opportunity of being heard."

[55] **Ministry of Home Affairs (Department of Internal Security) (Rehabilitation Division), Noti. No. S. O. 2400, dated August 24, 1987, published in the Gazette of India, Part II, Section 3(ii), dated 12th September, 1987, p. 3002** [*No. 12(1)/83-SS. I.*] [C]

Whereas the Central Government is of opinion that it is necessary to acquire the evacuee properties specified in the Schedule hereto annexed in the States of Madhya Pradesh, Bihar, Orissa, Punjab, Haryana, Gujarat, Maharashtra, Andhra Pradesh, Tamil Nadu, Karnataka, Kerala, Rajasthan, Uttar Pradesh and the Union territory of Delhi for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons :

Now, therefore, in exercise of the powers conferred by Section 12 of the **Displaced Persons (Compensation and Rehabilitation) Act, 1954** (44 of 1954), it is notified that the Central Government has decided to acquire and hereby acquires the evacuee properties specified in the Schedule hereto annexed.

SCHEDULE

All evacuee properties in the States of Madhya Pradesh, Bihar, Orissa Punjab, Haryana, Gujarat, Maharashtra, Andhra Pradesh, Tamil Nadu, Karnataka, Kerala, Rajasthan, Uttar Pradesh and the Union territory of Delhi which have been allotted to the share of Custodian in partition or have vested in the Custodian under Section 11 of the Evacuee Interest (Separation) Act, 1951 (64 of 1951), as a result of adjudication by the Competent Officer under the provisions of the said Act up to 30th June, 1987 or which have otherwise vested in the Custodian as a result of extinguishment of the mortgage under sub-section (2) of Section 9 of the said Act up to 30th June, 1987 and in respect of which no appeals have been filed, and if filed, have been rejected by the Appellate Authority.

[56] **Ministry of Labour, Noti. No. S. O. 2432, dated August 26, 1987, published in the Gazette of India, Part II, Section 3(ii), dated 12th September, 1987, p. 3028** [*No. S-35014/65/87-SS-II*] [C]

In exercise of the powers conferred by sub-section (2) of Section 16 of the **Employees' Provident Funds and Miscellaneous Provisions Act, 1952** (19 of 1952), and in continuation of the notification of the Government of India in the late Ministry of Labour and Rehabilitation (Department of Labour), S.O. No. 2911 dated the 21st August, 1984, the Central Government afrer having regard to the circumstances of the case, is of the opinion that it is expedient so to do, hereby exempts the following classes of establishments from the operation of the Act for a further period of three years with

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effect from 1st November, 1987, subject to the conditions specified therein, namely :—

THE SCHEDULE

Particulars of establishments

1. All establishments (including universities) which have been set up under either an Act of Parliament or of State Legislature and whose employees are in receipt of contributory provident fund, family pensions and deposit linked insurance or non-contributory provident fund, pension and deposit linked insurance in accordance with the rules or regulations framed under the respective Acts ;

2. All educational institutions, whose employees are in receipt of contributory provident fund, family pension and deposit linked insurance or non-contributory provident fund, pension and deposit linked insurance at par with State/Central Government employees.

3. All establishments, which are registered as 'Society' under the Societies Registration Act, 1960 and whose employees are in receipt of contributory provident fund, family pension and deposit linked insurance or non-contributory provident fund, pension and deposit linked insurance at par with State/Central Government employees.

[57] **Ministry of Environment and Forests (Department of Environment, Forests and Wildlife), Noti. No. S.O. 64(E), dated January 18, 1988, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 18th January, 1988, pp. 5-9** [*No. 1(18)/86-PL*] [C]

In exercise of the powers conferred by Section 25 of the **Environment (Protection) Act, 1986** (29 of 1986), the Central Government hereby makes the following rules further to amend the Environment (Protection) Rules, 1986, namely :—

1. (1) These rules may be called the **Environment (Protection) Fourth Amendment Rules, 1987.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Environment (Protection) Rules, 1986 (hereinafter referred to as the principal rules), sub-rule (3) of Rule 4 shall be renumbered as sub-rule (3-*a*) of that rule and after sub-rule (3-*a*) as so renumbered, the following sub-rule shall be *inserted*, namely :—

"(3-*b*) Where the proposed direction is for the stoppage or regulation of electricity or water or any other service affecting the carrying on any industry, operation or process and is sought to be issued to an officer or an authority, a copy of the proposed direction shall also be endorsed to the occupier of the industry, operation or process, as the case may be, and objections, if any, filed by the occupier with an officer designated in this behalf shall be dealt with in accordance with the procedures under sub-rules (3-*a*) and (4) of this rule.

Provided that no opportunity of being heard shall be given to the occupier if he had already been heard earlier and the proposed direction referred to in sub-rule (3-*b*) above for the stoppage or regulation of electricity or water or any other service was the resultant decision of the Central Government after such earlier hearing."

3. In the principal rules, for Rule 6, the following rule shall be *substituted*, namely :—

"6. *Procedure for taking samples.*—The Central Government or the

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officer empowered to take samples under Section 11 shall collect the sample in sufficient quantity to be divided into two uniform parts and effectively seal and suitably mark the same and permit the person from whom the sample is taken to add his own seal or mark to all or any of the portions so sealed and marked. In case where the sample is made up in containers or small volumes and is likely to deteriorate or be otherwise damaged if exposed, the Central Government or the officer empowered shall take two of the said samples without opening the containers and suitably seal and mark the same. The Central Government or the officer empowered shall dispose of the samples so collected as follows :—

(*i*) One portion shall be handed over to the person from whom the sample is taken under acknowledgement ; and

(*ii*) the other portion shall be sent forthwith to the environmental laboratory for analysis''.

4. In the Schedule I to the principal Rules, after serial Number 11 and the entries relating thereto the following serial numbers and entries shall be *inserted*, namely :—

1	2	3	4
"12.	Coke ovens		Concentrations in the effluents when discharged into inland surface waters not to exceed milligramme per litre (except for pH)
		pH	5.5-9.0
		Biochemical Oxygen Demand (20^0C for 5 days)	30
		Suspended Solids	100
		Phenolic Compounds (As C_6H_5OH)	5
		Cyanides (as CN)	0.2
		Oil & Grease	10
		Ammonical Nitrogen (as N)	50
13.	Synthetic Rubber		Concentration in the effluents when discharged into inland surface waters not to exceed milligramme per litre (except for colour, and pH)
		Colour	Absent
		pH	5.5-9.0
		Biochemical Oxygen Demand (20^0C for 5 days)	50
		Chemical Oxygen Demand	250
		Oil & Grease	10.0

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1	2	3	4
14.	Small Pulp and Paper Industry		Concentration not to exceed milligramme per litre (except for pH and sodium absorption ratio)
	*Discharge into inland surface water	pH Suspended Solids BOD	5.5-9.0 100 30
	Disposal on land	pH Suspended Solids	5.5-9.0 100
		BOD	100
		Sodium Absorption Ratio	26
15.	Fermentation Industry (Distilleries, Maltries and Breweries)		Concentration in the effluents not to exceed milligramme per litre (except for pH and colour & odour)
		pH	5.5-9.0
		Colour & odour	Absent
		Suspended Solids	100
		BOD (5 days at 20°C)	
		—disposal into inland surface waters	30
		—disposal on land	100

*Waste water generation shall not exceed 250 cubic metre per tonne of paper produced.

16.	Leather Tanneries		Concentration in the effluents not to exceed milligramme per litre (except for pH and per-cent sodium)		
			Inland Surface Waters	Public Sewers	Land for Irrigation	Marine Coastal areas
			(a)	(b)	(c)	(d)
		Suspended Solids	100	600	200	100
		BOD-5 days at 20°C	30	350	100	100
		pH	6.0-9.0	6.0-9.0	6.0-9.0	6.0-9.0

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1	2	3	4			
			(a)	(b)	(c)	(d)
		Chlorides (as Cl)	1000	1000	600	—
		Hexavalent Chromium (Cr+6)	0.1	0.2	0.1	1.0
		Total Chromium (as Cr)	2.0	2.0	2.0	2.0
		Sulphides (as S)	2.0	5.0	—	5.0
		Sodium percent	—	60	60	—
		Boron (as B)	2.0	2.0	2.0	—
		Oil & Grease	10	20	10	20

17.	Fertilizer Industry		Concentration in the effluents not to exceed milligramme per litre (except for pH)	
	Effluents —Straight Nitrogenous Fertilizers, excluding the Calcium Ammonium Nitrate and Ammonium Nitrate Fertilizer		Plants Commissioned January 1, 1982 onwards	Plants Commissioned prior to January 1, 1982
			(a)	(b)
		pH	6.5-8.0	6.5-8.0
		Ammonical Nitrogen	50	75
		Total Kjeldahl Nitrogen	100	150
		Free Ammonical Nitrogen	4	4
		Nitrate Nitrogen	10	10
		Cyanide as CN	0.2	0.2
		Vanadium as V	0.2	0.2
		Arsenic as As	0.2	0.2
		Suspended Solids	100	100
		Oil and Grease	10	10
		*Hexavalent Chromium as Cr	0.1	0.1
		*Total Chromium as Cr	2.0	2.0

*To be complied with at the outlet of Chromate removal unit.

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1	2	3	4	
	Straight Nitrogenous Fertilizers including Calcium Ammonium Nitrate and Ammonium Nitrate Fertilisers		Plants Commissioned January 1, 1982 onwards	Plants Commissioned prior to January 1, 1982
			(a)	(b)
		pH	6.5-8.0	6.5-8.0
		Ammonical Nitrogen	50	75
		Total Kjeldahl Nitrogen	100	150
		Free Ammonical Nitrogen	4	4
		Nitrate Nitrogen	20	20
		Cyanide as CN	0.2	0.2
		Vanadium as V	0.2	0.2
		Arsenic as As	0.2	0.2
		Suspended Solids	100	100
		Oil & Grease	10	10
		*Hexavalent Chromium as Cr	0.1	0.1
		*Total Chromium as Cr	2.0	2.0

*To be complied with at the outlet of Chromate removal unit.

	Complex fertilizers excluding Calcium Ammonium Nitrate, Ammonium Nitrate & Ammonium Nitrophos-phate Fertilisers		Plants Commissioned January 1, 1982 onwards	Plants Commissioned prior to January 1, 1982
			(a)	(b)
		pH	6.5-8.0	6.5-8.0
		Ammonical Nitrogen	50	75
		Free Ammonical Nitrogen	4	4

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1	2	3	4
		Total Kjeldahl Nitrogen	100	150
		Nitrate Nitrogen	10	10
		Cyanide as CN	0.2	0.2
		Vanadium as V	0.2	0.2
		Arsenic as As	0.2	0.2
		Phosphate as P	5	5
		Oil and Grease	10	10
		Suspended Solids	100	100
		*Fluoride as F	10	10
		**Hexavalent Chromium as Cr	0.1	0.1
		**Total Chromium as Cr	2.0	2.0

*To be complied with at the outlet of Fluoride removal unit. If the recipient system so demands, Fluoride as F shall be limited to 1.5 mg/1.

**To be complied with at the outlet of Chromate removal unit.

		Plants Commissioned January 1, 1982 onwards	Plants Commissioned prior to January 1, 1982
Complex fertilisers including Calcium Ammonium Nitrate Ammonium Nitrate & Ammonium Nitrophos-phate Fertilizers		(a)	(b)
	pH	6.5-8.0	6.5-8.0
	Ammonical Nitrogen	50	75
	Free Ammonical Nitrogen	100	100
	Nitrate Nitrogen	20	20
	Cyanide as CN	0.2	0.2
	Vanadium as V	0.2	0.2
	Arsenic as As	0.2	0.2
	Phosphate as P	5	5
	Oil & Grease	10	10
	Suspended Solids	100	100
	*Fluoride as F	10	10
	**Hexavalent Chromium as Cr	0.1	0.1
	**Total Chromium as Cr	2.0	2.0

*To be complied with at the outlet of Fluoride removal unit. If the recipient system so demands, Fluoride as F shall be limited to 1.5 mg/1.

**To be complied with at the outlet of Chromate removal unit.

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1	2	3	4
	*Straight Phosphatic Fertilizers		
		pH	7.0-9.0
		Phosphate as P	5
		Oil and Grease	10
		Suspended Solids	100
		*Fluoride as F	10
		**Hexavalent Chromium as Cr	0.1
		**Total Chromium as Cr	2.0
	Emissions		
	—Phosphatic Fertilizers (Fluoride and Particulate matter emission)	Phosphoric acid manufacturing unit Granulation, mixing and grinding of rock-phosphate	25 milligramme per normal cubic metre as total Fluoride 150 milligrammme per normal cubic metre of particulate matter
	—Urea (Particulate matter emission)	Prilling Tower	
		Commissioned prior to 1-1-1982	150 milligramme per normal cubic metre or 2 kilogramme per tonne of product.
		Commissioned after 1-1-1982	50 milligramme per normal cubic metre or 0.5 kilogramme per tonne of product.

*To be complied with at the outlet of Fluoride removal unit. If the receipient system so demands, Fluoride as F shall be limited to 1.5 mg/1.

**To be complied with at the outlet of Chromate removal unit.

18.	Aluminium	Particulate Matter Emissions	
		—Calcination	250 milligramme per normal cubic metre of particulate matter
		—Smelting	150 milligramme per normal cubic metre of Particulate matter
19.	Calcium Carbide	Particulate Matter Emission	
		—Kiln	250 milligramme per normal cubic metre
		—Arc Furnance	150 milligramme per normal cubic metre

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1	2	3	4
20.	Carbon Black	Particulate Matter Emission	150 milligramme per normal cubic metre
21.	Copper, Lead and Zinc Smelting	Particulate Matter Emission in concentrator	150 milligramme per normal cubic metre
		Emission of Oxides of sulphur in Smelter & Convertor	Off-gases must be utilised for Sulphuric acid manufacture. The limits of Sulphur dioxide emission from stock shall not exceed 4 kilogramme per tonne of concentrated (One hundred per cent) acid produced.
22.	Nitric Acid (emission of oxides of nitrogen.	Emission of Oxides of Nitrogen	3 kilogramme of oxides of nitrogen per tonne of weak acid (before concentration) produced.
23.	Sulphuric Acid (emission of Sulphur dioxide and acid mist)	Sulphur dioxide Emissions	4 kilogramme per tonne of concentrated (one hundered per cent) acid produced.
		Acid mist	50 milligramme per normal cubic metre.
24.	Iron & Steel (Integrated)	Particulate Matter Emission	
		—Sintering Plant	150 milligramme per normal cubic metre
		—Steel making	
		—during normal operations	150 milligramme per normal cubic metre
		—during oxygen lancing	400 milligramme per normal cubic metre
		—Rolling Mill	150 milligramme per normal cubic metre
		Carbon monoxide from coke oven	3 kilogramme per tonne of coke produced.''

5. In the Schedule II to the principal rules, under column (3), against serial Number 2, for the entries (*i*) and (*ii*), the following entries shall be *substituted*, namely :—

''(*i*) Controller General of Mines

(*ii*) Regional Controller of Mines having local jurisdiction''.

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[58] **Ministry of Energy (Department of Power) (Central Electricity Board), Noti. No. G.S.R. 358, dated April 30, 1987, published in the Gazette of India, Part II, Section 3(i), dated 9th May, 1987, pp. 1152—1155** [*CEB-305/26/PP-(3-82)/87*] [C]

In exercise of the powers conferred by Section 37 of the **Indian Electricity Act, 1910** (9 of 1910), and after due consideration of the objections and suggestions received the Central Electricity Board hereby makes the following rules further to amend the Indian Electricity Rules, 1956, namely :—

1. These rules may be called the **Indian Electricity (Amendment-1) Rules, 1987.**

2. In the Indian Electricity Rules, 1956 (hereinafter referred to as the said rules) :—

(*i*) in Rule 3, for sub-rule (2), the following sub-rule shall be *substituted*, namely :—

"(2) No person shall be authorised under sub-rule (1) unless he is competent to perform the duties assigned to him and possesses either an appropriate certificate of competency or permit to work ;"

(*ii*) in Rule 3 of the said rules, after sub-rule (5), the following sub-rule shall be *inserted*, namely :—

"(6) In every registered factory where more than 250 KW of electrical load is connected, there shall be a person authorised by the management of the factory for ensuring the observance of the safety provisions laid under the Act and the rules made thereunder, who shall periodically inspect such installation, get them tested and keep a record thereof and such records shall be made available to the Inspector, if and when required."

3. In Rule 4-B of the said rules, after proviso to clause (*b*) the following clause shall be *inserted*, namely :—

"(*c*) The persons appointed under Rule 4-A shall undergo such training as the appropriate Government may consider it necessary for the purpose and such training shall be completed to the satisfaction of the appropriate Government".

4. In Chapter IV of the said rules, for the heading "General Safety Precautions" the heading "General Safety Requirements", shall be *substituted*.

5. In Rule 29 of the said rules,—

(*i*) for sub-rule (1), the following sub-rule shall be *substituted*, namely :—

"(1) All electric supply lines and apparatus shall be of sufficient ratings for powers, insulation and estimated fault current and of sufficient mechanical strength, for the duty which they may be required to perform under the environmental conditions of installation, and shall be constructed, installed, protected, worked and maintained in such a manner as to ensure safety of personnel and property."

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(*ii*) in sub-rule (2), after the words "Indian Standards Institution", the words "including National Electrical Code" shall be *inserted*.

6. In Rule 31 of the said rules, sub-rule (3) shall be *omitted*.

7. In Rule 36 of the said rules, proviso to sub-rule (1) shall be *omitted*.

8. After Rule 50 of the said rules, the following new Rule 50-A, shall be *inserted*, namely :—

"50-A. *Additional provisions for supply and use of energy in multi-storeyed buildings* (*more than 15 metres in height*) :—(1) Before making an application for commencement of supply or recommencement of supply after an installation has been disconnected for a period of six months or more the owner/occupier of a multi-storeyed building shall give not less than 30 days notice in writing to the Inspector together with particulars. The supply of energy shall not be commenced or recommenced within this period, without the approval or otherwise in writing of the Inspector ;

(2) The supplier/owner of the installation shall provide at the point of commencement of supply a suitable isolation device with cut out or breaker to operate on all phases except neutral in the 3 phase 4 wire circuit and fixed in a conspicuous position at not more than 2.75 metres above the ground so as to completely isolate the supply to the building in case of emergency ;

(3) The owner/occupier of a multi-storeyed building shall ensure that electrical installations/works inside the building are carried out and maintained in such a manner as to prevent danger due to shock and fire hazards, and the installation is carried out in accordance with the relevant codes of practices ;

(4) No other service pipes shall be taken along the ducts provided for laying power cables. All ducts provided for power cables and other services shall be provided with fire-barrier at each floor crossing."

9. In Rule 51 of the said rules, in sub-rule (1) for clause (*b*), the following clause shall be *substituted*, namely :—

"(*b*) All metal works, enclosing, supporting or associated with the installation, other than that designed to serve as a conductor shall be connected with an earthing system as per standards laid down in the Indian Standards in this regard and in also accordance with Rule 61(4)."

10. In Rule 61 of the said rules, for sub-rule (4), the following sub-rule shall be *substituted*, namely :—

"(4) All earthing systems shall—

(*a*) consist of equipotential bonding conductors capable of carrying the prospective earth fault current and a group of pipe/rod/plate electrodes for dissipating the current to the general mass of earth without exceeding the allowable temperature limits as per relevant Indian Standards in

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order to maintain all non-current carrying metal works reasonably at earth potential and to avoid dangerous contact potentials being developed on such metal works;

(*b*) Limit earth resistance sufficiently low to permit adequate fault current for the operation of protective devices in time and to reduce neutral shifting;

(*c*) be mechanically strong, withstand corrosion and retain electrical continuity during the life of the installation. All earthing systems shall be tested to ensure efficient earthing, before the electric supply lines or apparatus are energised."

11. In Rule 64 of the said rules—

(*i*) in sub-rule (2)—

(*a*) for clause (*a*) the following clause shall be *substituted*, namely:—

"(*a*) (*i*) clearances as per Indian Standard Code shall be provided for electrical apparatus so that sufficient space is available for easy operation and maintenance without any hazard to the operating and maintenance personnel working near the equipment and for ensuring adequate ventilation.

(*ii*) the following minimum clearances shall be maintained for bare conductors or live parts or any apparatus in out-door sub-stations, excluding overhead lines, of HV and EHV installations:—

Voltage Class	Ground clearance (Meters)	Sectional clearance (Meters)
Not exceeding 11 KV	2.75	2.6
—do— 33 KV	3.7	2.8
—do— 66 KV	4.0	3.0
—do— 132 KV	4.6	3.5
—do— 220 KV	5.5	4.3
—do— 400 KV	8.0	6.5

(*b*) in clause (*d*), the word 'Ordinarily' shall be *omitted*;

(*c*) in clause (*e*)(*i*), after the words "baffle walls" the words "of 4 Hour fire rating" shall be *inserted*;

(*d*) for clause (*f*), the following clause shall be *substituted*, namely:—

"(*f*) (*i*) without prejudice to the above measures, adequate fire protection arrangement shall be provided for quenching the fire in the apparatus;

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(*ii*) Where it is necessary to locate the sub-station/ switch station in the basement following measures shall be taken :—

(*a*) the room shall necessarily be in the first basement at the periphery of the basement ;

(*b*) The entrances to the room shall be provided with fire resisting doors of 2 hour fire rating. A curb (*sill*) of a suitable height shall be provided at the entrance in order to prevent the flow of oil from a ruptured transformer into other parts of the basement. Direct access to the transformer room shall be provided from outside ;

(*c*) The transformer shall be protected by an automatic high velocity water spray system or by carbondioxide or BCF (Bromochlorodifluromethane) or BTM (Bromotrifluromethane) fixed installation system; and

(*iii*) Oil filled transformers installed indoors shall not be on any floor above the ground or below the first basement."

12. After Rule 64 of the said rules, the following rule shall be *inserted*, namely :—

"64-A. The following additional provisions shall be observed where energy at high or extra high voltage is supplied, converted, transferred or used, namely :—

(*1*) *Inter-locks.*— Suitable inter-locks shall be provided in the following cases :—

(*a*) Isolators and the controlling circuit breakers shall be inter-locked so that the isolators cannot be operated unless the corresponding breaker is in open position ;

(*b*) Isolators and the corresponding earthing switches shall be inter-locked so that no earthing switch can be closed unless and until the corresponding isolator is in open position ;

(*c*) Where two or more supplies are not intended to be operated in parallel, the respective circuit breakers or linked switches controlling the supplies shall be inter-locked to prevent possibility of any inadvertent paralleling or feedback ;

(*d*) When two or more transformers are operated in parallel, the system shall be so arranged as to trip the secondary breaker of a transformer in case the primary breaker of that transformer trips ;

(*e*) All gates or doors which give access to live parts of an installation shall be inter-locked in such a way that these cannot be opened unless the live parts are made dead. Proper discharging and earthing of these parts should be ensured before any person comes in close proximity of such parts ;

(*f*) Where two or more generators operate in parallel and neutral switching is adopted, inter-lock shall be provided to ensure that generator breaker cannot be closed unless one of the neutrals is connected to the earthing system.

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(2) *Protection.*—All systems and circuits shall be so protected as to automatically disconnect the supply under abnormal conditions;

The following protection shall be provided, namely:—

(*a*) Over current protection to disconnect the supply automatically if the rated current of the equipment, cable or supply line is exceeded for a time which the equipment, cable or supply line is not designed to withstand;

(*b*) Earth fault/earth leakage protection to disconnect the supply automatically if the earth fault current exceeds the limit of current for keeping the contact potential within reasonable values;

(*c*) Gas pressure type protection to give alarm and tripping shall be provided on all transformers of ratings 1000 KVA and above;

(*d*) Transformers of capacity 10 MVA and above shall be protected against incipient faults by differential protection; and

(*e*) All generators with rating of 100 KVA and above shall be protected against earth fault/leakage. All generators of rating 1000 KVA and above shall be protected against faults within the generator winding using restricted earth fault protection or differential protection or by both."

13. For Rule 65 of the said rules, the following rule shall be *substituted*, namely:—

"65. *Testing, Operation and Maintenance*:—(1) Before approval is accorded by the Inspector under Rule 63 the manufacturer's test certificates shall, if required, be produced for all the routine tests as required under the relevant Indian Standard.

(2) No new HV or EHV apparatus, cable or supply line shall be commissioned unless such apparatus, cable or supply line are subjected to site tests as per relevant code of practice of the Indian Standards Institution.

(3) No HV or EHV apparatus, cable, or supply line which has been kept disconnected, for a period of 6 months or more, from the system for alterations or repair shall be connected to the system until such apparatus cable or supply line are subjected to the relevant tests as per code of practice of Indian Standards Institution.

(4) Notwithstanding the provisions of sub-rules (1) to (3) (both inclusive) the Inspector may require certain additional tests to be carried out before charging the installations or subsequently.

(5) All apparatus, cables and supply lines shall be maintained in healthy conditions and tests shall be carried out periodically as per the relevant codes of practice of the Indian Standards Institution.

(6) Records of all tests, trippings maintenance works and repairs of all equipments, cables and supply lines shall be duly kept in such a way that these records can be compared with earlier ones; and

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(7) It shall be the responsibility of the owner of all HV and EHV installations to maintain and operate the installations in a condition free from danger and as recommended by the manufacturer and/or by the relevant codes of practice of the Indian Standards Institution and/or by the Inspector."

14. In Rule 66 of the said rules, in sub-rule (1), the words "of a supplier" shall be *omitted*.

15. In Rule 67 of the said rules, for sub-rule (1), the following sub-rules, shall be *substituted*, namely :—

"(1) All non-current carrying metal parts associated with HV/EHV installation shall be effectively earthed to a grounding system or mat which will :—

(*a*) limit the touch and step potential to tolerable values ;

(*b*) limit the ground potential rise to tolerable values so as to prevent danger due to transfer of potential through ground, earth wires, cable sheath fences, pipe lines, etc. ;

(*c*) maintain the resistance of the earth connection to such a value as to make operation of the protective device effective;

(1-A) In the case of star-connected system with earthed neutrals or delta connected system with earthed artificial neutral point : —

(*a*) The neutral point of every generator and transformer shall be earthed by connecting it to the earthing system as defined in Rule 61(4) and hereinabove by not less than two separate and distinct connections :

Provided that the neutral point of a generator may be connected to the earthing system through an impedence to limit the fault current to the earth :

Provided further that in the case of multi-machine system neutral switching may be resorted to, for limiting the injurious effect of harmonic current circulation in the system ;

(*b*) in the event of an appreciable harmonic current flowing in the neutral connection so as to cause interference with communication circuits, the generator or transformer neutral shall be earthed through a suitable impedence ;

(*c*) in case of the delta connected system the neutral point shall be obtained by the insertion of a grounding transformer and current limiting resistance or impedence wherever considered necessary at the commencement of such a system."

16. In Rule 68 of the said rules, in sub-rule (1), for clause (*a*), the following clause shall be *substituted*, namely :—

"(*a*) Sub-stations and switch-stations shall preferably be erected above ground, but where necessarily constructed underground due provisions for ventilation and drainage shall be made and any space housing switchgear shall not be used for storage of any materials especially inflammable and combustible materials or refuse."

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17. After Rule 82 of the said rules, the following rule shall be *inserted*, namely :—

"82-A. *Transporting and Storing of material near overhead lines* :—(1) No rods, pipes or similar materials shall be taken below or in the vicinity of any bare overhead conductors or lines if they are likely to infringe the provisions for clearances under Rules 79 and 80, unless such materials are transported under the direct supervision of a competent person authorised in this behalf by the owner of such overhead conductors or lines ;

(2) Under no circumstances rods, pipes or other similar materials shall be brought within the flash over distance of bare live conductors or lines ; and

(3) No material or earth work or agricultural produce shall be dumped or stored or trees grown below or in the vicinity of bare overhead conductors lines so as to reduce the requisite safety clearances specified under Rules 79 and 80."

[59] Ministry of Industry (Department of Company Affairs), Noti. No. S.O. 960(E), dated October 28, 1987, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 28th October, 1987, pp. 2-3
[*F. No. 5/20/82-M.I.*] [C]

In exercise of the powers conferred by sub-section (1) of Section 22-A of the **Monopolies and Restrictive Trade Practices Act, 1969** (54 of 1969) and subject to the condition hereinafter specified, the Central Government hereby directs that the provisions of Section 21 and Section 22 of the said Act shall not apply to any proposal –

(*a*) for the increase in the production of any goods or the provision of any services which are meant exclusively for export outside India ; or

(*b*) which relates to an undertaking established or proposed to be established in a free trade zone.

CONDITION

The owner of the undertaking or the authority making the proposal shall submit to the Central Government, for the purposes of record, a Memorandum containing the details of the proposal alongwith a copy of their application made under the Industries (Development and Regulation) Act, 1951 (65 of 1951) ;

2. This notification shall have effect for a period of five years from the date of its publication in the Official Gazette.

[60] Ministry of Industry (Department of Industrial Development), Noti. No. S.O. 131(E), dated January 29, 1988, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 29th January, 1988, p. 2
[*File No. 5(60)/83-AEI(III)*] [C]

In exercise of the powers conferred by Section 3 of the **Essential Commodities Act, 1955** (10 of 1955), the Central Government hereby rescinds the Tractors (Distribution and Sale) Control Order, 1971, with immediate effect, except as respects things done or omitted to be done under the Order before such rescission.

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[61] **Ministry of Finance (Department of Revenue), Noti. No. G.S.R. 859(E), dated October 15, 1987, published in the Gazette of India, Extra., Part II, Section 3(i), dated 15th October, 1987, p. 2** [*No. 237/87-CE/ F. No. 331/3/87-TRU*]

In exercise of the powers conferred by sub-rule (1) of Rule 8 of the **Central Excise Rules, 1944**, the Central Government hereby exempts sugar produced in a factory during the period commencing on the 1st day of October, 1987, and ending with the 30th day of November, 1987, which is in excess of the average production of the corresponding periods of 1984-85, 1985-86 and 1986-87 sugar years, falling under sub-heading No. 1701.31 or 1701.39 of the Schedule to the Central Excise Tariff Act, 1985 (5 of 1986) from the whole of the duty of excise leviable thereon which is specified in the said Schedule.

2. In computing the production of sugar during the said periods in respect of a factory :—

(*i*) the data, as furnished in Form R.G. 1 specified in Appendix 1 to the Central Excise Rules, 1944, or in any other records relevant for this purpose as the Collector may specify under Rule 53 or Rule 173-G of the said rules, shall be adopted ;

(*ii*) any sugar obtained by refining gur or khandsari sugar or obtained from beet-root shall not be taken into account ;

(*iii*) any sugar obtained by reprocessing of sugar house products left over in process at the end of any preceding sugar year shall be taken into account ; and

(*iv*) any sugar obtained by reprocessing of defective or damaged sugar or brown sugar, if the same has already been included in the quantity of sugar produced, shall not be taken into account.

3. The exemption under this notification may be availed of on any quantity of sugar cleared for home consumption which is equivalent to the excess production of sugar.

Explanation.—In this notification,—

(1) "sugar year" means the period of 12 months commencing on the 1st day of October and ending with the 30th day of September next following ;

(2) for the purposes of calculating the average production, the total production of sugar during the period commencing on the 1st day of October and ending with the 30th day of November in the three sugar years, namely, 1984-85, 1985-86 and 1986-87 shall be divided by three, even if the factory had no production during any such period either for the reason that the factory commenced production after such period or for the reason that the factory was not operational during such period ;

(3) where the average production is nil, the exemption will be available for the entire production of sugar during the period commencing from the 1st day of October, 1987 and ending with the 30th day of November, 1987.

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[62] **Ministry of Home Affairs, Noti. No. G.S.R. 165, dated February 11, 1988, published in the Gazette of India, Part II, Section 3(i), dated 19th March, 1988, p. 712** [*No. V. 11012/2/87-ARMS*] [C][L]

In exercise of the powers conferred by Section 44 of the **Arms Act, 1959** (54 of 1959), the Central Government hereby makes the following rules further to amend the Arms Rules, 1962, namely :—

1. (1) These rules may be called the **Arms (Second Amendment) Rules, 1987.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. For the Table below sub-rule (1) of Rule 25 of the Arms Rules, 1962 the following Table shall be *substituted*, namely :—

TABLE

Weapons	Manufacturers name	Serial Number (Register No.)	Proof-Mark
1	2	3	4
1. DBBL Weapons	(*i*) On the rib at the top near the breech (*ii*) On the side of the action body.	(*i*) On the fastner (*ii*) On the flats of barrels (*iii*) On the flat of the action body.	(*i*) On the flats of the barrels (*ii*) On the side of the action body.
2. SBBL Weapons	(*i*) On the barrel near the breech (*ii*) On the side of the action body.	(*i*) On the fastner (*ii*) On the flat of the barrel. (*iii*) On the flat of the action body.	(*i*) On the flat of the barrel (*ii*) On the side of the action body.
3. ML Weapons	(*i*) On the barrel or on the rib near the nozzle. (*ii*) On the side plates	(*i*) On the barrel near the nozzle. (*ii*) On the action body.	(*i*) On the barrel
4. Revolvers	On the barrel	(*i*) On the barrel (*ii*) On Chamber (*iii*) On the body.	(*i*) On the barrel (*ii*) On the body (*iii*) On the cylinder
5. Pistols	On the frame	On the frame.	(*i*) On the barrel (*ii*) On the body.

[63] **Ministry of Food and Civil Supplies (Department of Civil Supplies), Noti. No. S O. 983(E), dated November 12, 1987, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 12th November, 1987, pp. 2-3** [*F. No. 24(3)/87-ECR & E*] [C]

In exercise of the powers conferred by Section 3 of the **Essential Commodities Act, 1955** (10 of 1955) the Central Government hereby makes the following amendments in the Pulses, Edible Oilseeds and Edible Oils (Storage Control) Order, 1977, namely :—

1. (1) This Order may be called the **Pulses, Edible Oilseeds and Edible Oils (Storage Control) Third Amendment Order, 1987.**

(2) It shall come into force on the Twenty-third day of November, 1987.

2. In the Pulses, Edible Oilseeds and Edible Oils (Storage Control) Order, 1977, to sub-paragraph (1) of Paragraph 4, after the second proviso,

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the following provisos shall be *inserted*, namely :—

"Provided that no wholesale dealer shall hold any stock of edible oilseeds including groundnut in shell and edible oils including hydrogenated vegetable oils for a period exceeding fifteen days from the date of physical receipt by him of such stock of edible oilseeds and edible oils :

Provided further that only one sale/purchase transaction, if accompanied by physical delivery of stocks, shall be permitted in respect of edible oils and oilseeds between one wholesaler and another."

[64] **Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training), Noti. No. G.S.R. 79(E), dated February 4, 1988, published in the Gazette of India, Extra., Part II, Section 3(i), dated 4th February, 1988, pp. 3-4** [*No. A-12018/5/86-AT*] [C][L]

In exercise of the powers conferred by clause (*c*) of sub-section (2) of Section 35 of the **Administrative Tribunals Act, 1985** (13 of 1985), the Central Government hereby makes the following rules to amend the Central Administrative Tribunal (Salaries and Allowances and Conditions of Service of Chairman, Vice-Chairmen and Members) Rules, 1985, namely :—

1. (1) These rules may be called the **Central Administrative Tribunal (Salaries and Allowances and Conditions of Service of Chairman, Vice-Chairmen and Members) Second Amendment Rules, 1988.**

(2) They shall be deemed to have come into force on the 1st day of October, 1986.

2. In the Central Administrative Tribunal (Salaries and Allowances and Conditions of Service of Chairman, Vice-Chairmen and Members) Rules, 1985, after Rule 4, the following rule shall be *inserted*, namely :—

"*4-A. City Compensatory Allowance.*—The Chairman, Vice-Chairmen and a Member shall receive City Compensatory Allowance appropriate to their pay at the rates admissible to Group 'A' officers of the Central Government drawing a pay in the scale of Rs. 7300-100-7600 or above."

Explanatory Memorandum

The Central Government has decided to implement the decisions taken on the recommendations of the Fourth Central Pay Commission relating to revision of City Compensatory Allowance in respect of the Central Civil Services Group 'A' with effect from 1st October, 1986. The Central Administrative Tribunal (Salaries and Allowances and Conditions of Service of Chairman, Vice-Chairmen and Members) Rules, 1985 are being amended accordingly with effect from 1st October, 1986.

2. It is certified that no Chairman, Vice-Chairman and Member of the Central Administrative Tribunal is likely to be affected adversely by this notification being given retrospective effect.

[65] **Ministry of Industry (Department of Industrial Development), Noti. No. G.S.R. 100(E), dated February 23, 1988, published in the Gazette of India, Extra., Part II, Section 3(i), dated 25th February, 1988, pp. 2-3** [*File No. 1(10)/87, DPR/EGGS*] [C]

In exercise of the powers conferred by sub-section (2) of Section 14 of the **Explosives Act, 1884** (4 of 1884), Central Government hereby exempts the National Security Guard, Ministry of Home Affairs, New Delhi, from the provisions of Rules 32 and 113 of Explosives Rules, 1983, for transport, storage and use of authorised explosives subject to the following conditions :—

1. The explosives possessed at a time shall not exceed—

Class 2—44 Kilograms

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Class 3 Division 1—132 Kilograms

Class 3 Division 2—3 Kilograms

Class 6 Division 1—7117 metres

Class 6 Division 2—3200 metres

Class 6 Division 3—2492 numbers

2. The explosives shall be stored in mode A or mode B type magazines as described in specification 6 of the Explosives Rules, 1983. Detonators and other explosives shall be stored separately in two compartments in case of Mode A magazine or in two different Mode B magazine observing a minimum inter-distance of 3 metres.

3. A minimum safety clearance of 52 metres would be observed around the magazines.

4. No explosives of Class 3 Division 1 shall be kept in the magazines after the lapse of one year from their date of manufacture.

5. Relevant provisions of the Explosives Rules, 1983, relating to possession, transport and use of such explosives are otherwise strictly followed.

[66] **Ministry of Finance (Department of Revenue), Noti. No. G.S.R. 109(E), dated March 1, 1988, published in the Gazette of India, Extra., Part II, Section 3(i), dated 1st March, 1988, p. 2** [*No. 8/88-C.E.(N.T.)/F. No. 212/30/87-CX-6*] [C]

In exercise of the powers conferred by Section 37 of the **Central Excises and Salt Act, 1944** (1 of 1944), the Central Government hereby rescinds the Central Excise (9th Amendment) Rules, 1987, published with the notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 259/87-Central Excises [G.S.R. No. 966(E)], dated the 8th December, 1987, published in 1988 CCL-III-194 [177].

[67] **Ministry of Industry (Department of Industrial Development), Noti. No. G.S.R. 356(E), dated March 18, 1988, published in the Gazette of India, Extra., Part II, Section 3(i), dated 18th March, 1988, pp. 3-5** [*F. No. 9/7/87-El. Ind.*] [C]

In exercise of Powers conferred by Section 3 of the **Essential Commodities Act, 1955** (10 of 1955), the Central Government hereby makes the following Order, namely :—

1. **Short title and commencement.**—(1) This Order may be called the **Electrical Appliances (Quality Control) Order, 1988.**

(2) It shall come into force on the 1st day of July, 1988, for electrical applicances mentioned at Serial Nos. 1 to 4 in the Schedule attached to this Order and on the 1st day of September, 1988, for electrical appliances mentioned at Serial Nos. 5 to 7 in the said Schedule.

2. **Definitions.**—In this Order, unless the context otherwise requires :

(*a*) 'Appropriate Authority' means any officer not below the rank of Director in the Department of Industrial Development or Civil Supplies or Director Industries of the State Government or any other officer of equivalent rank appointed by the Central or the State Governments or the Bureau of Indian Standards to implement the provisions of this order ;

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(*b*) 'Bureau' means Bureau of Indian Standards ;

(*c*) 'dealer' in relation to electrical appliances means a person who or a firm or a Hindu undivided family which, carries on, directly or otherwise, the business of buying, selling, supplying or distributing any such appliance, whether in cash or for deferred payment or for commission, remuneration or other valuable consideration ;

(*d*) 'Electrical Appliances' means the electrical appliances specified in column (2) of the Schedule ;

(*e*) 'manufacturer' in relation to electrical appliances means a person who, or a firm or a Hindu undivided family which, produces, makes, assembles or manufactures any such appliances and includes a person who or a firm or Hindu undivided family which claims such appliances to be produced, made assembled or manufactured by such person or firm or Hindu undivided family, as the case may be ;

(*f*) 'Schedule' means the Schedule annexed to this Order ;

(*g*) 'specified standard', in relation to an electrical appliance mentioned in column (2) of the Schedule, means the standard as specified in the corresponding entry in column (3) of the said Schedule ;

(*h*) 'Standard Mark' means the Bureau of Indian Standards Certification Mark specified by the Bureau to represent a particular Indian Standard and also includes any Indian Standards Institution Certification Mark specified by the Indian Standards Institution ;

(*i*) 'State Government' includes a Union Territory Administration.

3. Prohibition regarding manufacture, sale etc. of electrical appliances specified in column (2) of the Schedule.—(1) No person shall by himself or by any person on his behalf manufacture or store for sale, sell or distribute any Electrical Appliance which does not conform to the specified standard and it shall be with Standard Mark of the Bureau. Provided that nothing in this Order shall apply in relation to export of Electrical Appliances which do not conform to the specified standard but conform to any specification required by the foreign buyer and such specification shall not in any case be less than the specified standard.

(2) The sub-standard or defective electrical appliances or raw-material or components which do not conform to the specified standard shall be deformed beyond use and disposed of as scrap.

4. Certification of manufacturers.—(1) All manufacturers of electrical appliances shown in Column (2) of the Schedule shall make an application to the Bureau for obtaining licence for use of the standard mark, within 45 days of the issue of this Order.

(2) The grant of licence by the Bureau for use of the Standard Mark shall be as per provisions under the Bureau of Indian Standards Act, 1986, and the Rules and Regulations framed, thereunder.

(3) When any person himself or by any person on his behalf proposes to manufacture electrical appliances shown in column (2) of the Schedule,

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he shall make an application to the Bureau within 45 days of commencement of production and obtain licence before the coming into force of this Order.

(4) Consequent to the lapsing/cancellation of any licence or closure of application by the Bureau for one or more of the electrical appliances shown in column (2) of the Schedule, other Appropriate Authority shall also be informed.

5. **Prohibition of storage, sale and distribution.**—No person shall himself or by any person acting on his behalf store for sale, sell or distribute any electrical applicance shown in column (2) of the Schedule which does not bear the Standard Mark of the Bureau and manufactured by a person who has obtained a Certification Mark Licence for the purpose.

6. **Power to call for information etc.**—The Appropriate Authority may with a view to securing compliance with this Order :—

(*a*) require any person engaged in the manufacture, storage for sale, sale or distribution of any electrical applicance to give such information as it deems necessary in relation to the manufacture, storage, for sale, sale or distribution of any electrical appliance for the implementation of this order or require any such person to furnish to it samples of any electrical appliance or any component of any electrical appliance ;

(*b*) inspect or cause to be inspected any books or other documents or any electrical appliance or the components of any electrical appliance kept by or belonging to or in the possession or under the control of any person engaged in the manufacture, storage for sale, sale or distribution of any electrial appliance ;

(*c*) cause an officer authorised under clause (9) to enter and search any premises and seize any electrical appliance in respect of which it has reason to believe that a contravention of this order has been committed or the said electrical appliance is not of the specified standard.

(*d*) the provisions of Section 100 of the Code of Criminal Procedure 1973 (2 of 1974) relating to search and seizure shall so far as may apply to searches and seizure under this clause.

7. **Testing of samples.**—Samples of any electrical appliance bearing the Standard Mark and drawn by the Appropriate Authority, for ascertaining whether it is of the specified standard, shall be tested in the laboratory approved by the Bureau and in the manner as determined by the Bureau.

8. **Delegation of Powers.**—The Appropriate Authority may by general or special order in writing authorise any officer specified in clause (*a*) of paragraph 2 to exercise on its behalf all or any of its functions under this Order : Provided that no officer who is not of a gazetted rank, and in the case of Bureau who is not of a rank equivalent to gazetted officer, shall be authorised by the Appropriate Authority to exercise the powers of search and seizure under clause (*c*) of paragraph 6.

9. **Power to issue direction to manufacturers and dealers.**—The Appropriate Authority may issue such directions to manufacturers and dealers, consistent with the provisions of this Order, as may be necessary in carrying out the purposes of this Order.

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10. Compliance of directions.—Every person engaged in the manufacture, storage for sale, sale or distribution of any electrical appliance, to whom any direction is issued under this Order, shall comply with such direction.

11. Obligation to furnish information.—No manufacturer or dealer shall with intent to evade the provisions of this Order, refuse to give any information lawfully demanded from him under Clause 6 or conceal, destroy, mutilate or deface any books or documents or any electrical appliance shown in column (2) of the Schedule kept by such person or in the possession or control of such person.

12. Penalty.—Any person who contravenes any of the provisions of this Order or fails to carry out any direction or requisition made thereunder shall be punishable and the property in respect of which the order has been contravened, shall be liable to forfeiture under Section 7 of the Essential Commodities Act, 1955 (10 of 1955).

13. Appeal.—(1) Any manufacturer or dealer aggrieved by any decision of the Appropriate Authority may prefer an appeal in writing to the Central Government, within 30 days from the date of receipt by him of the copy of the Order communicating such decision :

Provided that the Central Government may admit any appeal after the expiry of the period aforesaid if it is satisfied that the appellant was prevented sufficient cause from filing the appeal in time.

(2) On receipt of the appeal under sub-clause (1), the Central Government may, after giving the appellant an opportunity of being heard, pass such order as it may deem fit.

SCHEDULE OF ELECTRICAL APPLIANCES

Sl. No.	Electrical Appliances	Standard
1.	Electric Immersion Water Heaters	IS : 368
2.	Electric Irons	IS : 366
3.	Electric Stoves	IS : 2994
4.	Electric Radiators	IS : 269
5.	Switches for domestic and similar purposes	IS : 3854
6.	2 Amp switches for domestic and similar purposes	IS : 4949
7.	3 Pin plugs and socket outlets	IS : 1293

[68] **Ministry of Industry (Department of Industrial Development), Noti. No. G.S.R. 357(E), dated March 18, 1988, published in the Gazette of India, Extra., Part II, Section 3(i), dated 18th March, 1988, p. 5** [*F. No. 9/7/87-El. Ind.*] [C]

In exercise of the powers conferred by Section 3 of the **Essential Commodities Act, 1955** (10 of 1955), the Central Government hereby amends the Order No. SO 797(E), dated the 12th November, 1981, viz :—

1. This Order may be called the **Household Electrical Appliances (Quality Control) Amendment Order, 1988.**

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2. In the Schedule to the Household Electrical Appliances (Quality Control) Order, 1981, items at Serial No. 1, 3, 8 and 9 (with effect from 1st July, 1988) and items 16, 34 and 36 (with effect from 1st September, 1988) shall be *omitted*.

[69] **Ministry of Industry (Department of Industrial Development), Noti. No. G.S.R. 358(E), dated March 18, 1988, published in the Gazette of India, Extra., Part II, Section 3(i), dated 18th March, 1988, p. 5** [*F. No. 9/7/87-El. Ind.*] [C][L]

In exercise of the powers conferred by Section 3 of the **Essential Commodities Act, 1955** (10 of 1955), the Central Government hereby rescinds the Order of the Government of India in the Ministry of Industry (Department of Industrial Development) No. G.S.R. 375(E), dated the 8th April, 1987 published in—1987 LLT-III-120 [102].

[70] **Ministry of Environment & Forests (Department of Environment, Forests & Wildlife), Noti. No. S.O. 389(E), dated April 14, 1988, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 14th April, 1988, p. 2** [*No. 1(38)/86-P.L.*] [C]

In exercise of the powers conferred by Section 23 of the **Environment (Protection) Act, 1986** the Central Government hereby delegates the powers vested in it under Section 5 of the Act to the State Governments of Meghalaya, Punjab and Uttar Pradesh subject to the condition that the Central Government may revoke such delegation of powers in respect of all or any one or more of the State Governments or may itself invoke the provisions of Section 5 of the Act, if in the opinion of the Central Government such a course of action is necessary in public interest.

[71] **Ministry of Finance (Department of Economic Affairs), Noti. No. S.O. 410(E), dated April 22, 1988, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 22nd April, 1988, p. 2** [*No. F. 7/11/88-NS. II*] [C]

In pursuance of Section 5 of the **Public Provident Fund Act, 1968** (23 of 1968), the Central Government hereby notifies that during the year 1988-89, subscriptions made to the Fund and balances to the credit of the subscribers shall bear interest at the rate of 12% (Twelve per cent) per annum.

2. In cases where withdrawals are made during the year, an amount equivalent to one per cent of the amount withdrawn, rounded to the nearest rupee, shall be deducted from the interest creditable to the account of the subscriber.

[72] **Ministry of Finance (Department of Revenue) Central Board of Direct Taxes (Income-tax), Noti. No. G.S.R. 405, dated April 28, 1988, published in the Gazette of India, Part II, Section 3(i), dated 21st May, 1988, p. 1529** [*No. 7912/F. No. 142/7/88-TPL*] [C]

In exercise of the powers conferred by sub-clause (*iii*) of clause (10) of Section 10 of the **Income-tax Act, 1961** (43 of 1961), the Central Government, having regard to the maximum amount of any gratuity payable to its employees, hereby specifies one lakh rupees as the limit for all the three purposes mentioned in that sub-clause in relation to the employees, referred to therein, who retire or become incapacitated prior to such retirement or die on or after the 1st day of April, 1988 or whose employment is terminated on or after the said date.

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[73] **Ministry of Textiles (Office of the Textile Commissioner), Noti. No. CER/(18)/88-CLB, dated March 7, 1988, published in the Gazette of India, Extra., Part I, Section 1, dated 8th March, 1988, pp. 6-12** [C]

In exercise of the powers conferred on me by Clause 17 of the **Textiles (Control) Order, 1986**, I (Textile Commissioner), hereby issue the following Notification :—

PART I

1. Short title, extent & commencement.—(1) This Notification may be called the **Textiles (Consumer Protection) Regulation, 1988.**

(2) It extends to the whole of India.

(3) It shall come into force from the 15th June, 1988.

2. Definitions.—(1) "Damaged piece" or "Defective piece" means a piece of cloth which contains more than two defects, as enumerated in Annexure 'C' of this Notification, per 5 meters or part thereof.

(2) "Dealer" means a person trading in tops, yarn or cloth, whether wholesale or retail and whether or not in conjunction with any other business.

(3) "Manufactured for export and not for sale in India" means to be exported by the manufacturer himself or sold by him, whether or not in pursuance of a pre-existing contract, to an exporter for export only, in accordance with provisions of the Imports and Exports (Control) Act, 1947 (18 of 1947), for which separate record is kept by both.

(4) "Manufacturer" (in addition to "Producer" and "Processor") also includes a hand processor, namely a person engaged in any ancillary process subsequent to the production of yarn, cloth, top or other textiles, without power or without use of steam generated by a boiler, as defined in clause (*b*) of Section 2 of the Indian Boiler's Act, 1923 (5 of 1923) and the said expression 'manufacturer' shall include, a person who causes to manufacture, and its grammatical variation shall be construed accordingly.

(5) "Packing" means all types of packing such as roll packing, piece packing, packing in bale, case or bag etc.

(6) (*i*) "Piece of Cloth" excludes chindies, rags and fents and includes :—

(*a*) Cloth in any running length, exceeding 90 cm. where the width of the fabric is one metre or more, or, exceeding 135 centimetres where the width of the fabric is less than one metre.

(*b*) Dhoties and sarees, ordinarily sold by pair or piece, the total length of such uncut cloth, and

(*c*) Handkerchiefs, pillow-cases, towels, chaddars, blankets, bed-sheets and bed-covers.

(*ii*) "Fents" mean—Cut-pieces of cloth of length 45 centimetres or more but not exceeding 90 centimetres where the width of the fabric is one metre or more and of length 65 centimetres or more but not exceeding 135 centimetres where the width of the fabric is less than one metre.

(*iii*) "Rags" mean—cut pieces of cloth of length more than 23 centimetres but less than 45 centimetres where the width of the fabric is one

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metre or more, and of length more than 23 centimetres but less than 65 centimetres where the width of the fabric is less than one metre.

(*iv*) "Chindies" mean cut-pieces of cloth having length 23 cm. or less in length.

(7) "Seconds" means a piece of cloth of any length having two defects per 5 metres or part thereof as enumerated in Annexure 'C' of this Notification and excludes damaged piece or defective piece.

(8) "Tendered Cloth" means a piece of cloth whose cupra-ammonium fluidity test is 10 or more Rhes or it does not have the minimum of 50 per cent of tensile strength of the fabric of the said count construction would normally have.

(9) All other definitions given in the Textiles (Control) Order, 1986 shall also apply to this Regulation.

3. **Directions Regarding Marking**.—Unless otherwise specified in this Notification :—

(*a*) The markings on tops, yarn and piece of cloth as prescribed in this Notification shall be complied with by the manufacturer, including the person who causes them to be manufactured.

(*b*) All markings specified herein shall be made by the manufacturer on tops, yarn and piece of cloth in concerned manufacturing premises before their packing for delivery.

(*c*) These markings will be in addition to any other markings specified under any other law.

(*d*) No fake or misleading markings shall be made on tops, yarn and piece of cloth by any person.

(*e*) No person shall offer or store for sale such goods with fake or misleading markings or without the statutory markings or in violation of this Regulation.

(*f*) All tests that may be carried out in pursuance of this Regulation shall be with reference to the standards prescribed by the Bureau of Indian Standards.

(*g*) All processors/hand processors, shall obtain declaration in Form A at Annexure 'A' of this Notification from owners of goods delivered for processing and shall enter them appropriately in the Register in Form B at Annexure 'B' of this Notification on the day of the receipt of the goods.

(*h*) No person shall store or offer for sale tendered cloth except in the form of rags or chindies.

4. **Exemption**.—Nothing in this Notification shall apply to :—

(*a*) Package of cotton and man-made fibre yarn below 500 gm. in weight and package of woollen yarn below 50 gm. in weight.

(*b*) Tops, yarn and cloth manufactured for export and not for sale in India.

(*c*) Hand spun yarn, and products thereof as per certification of the Khadi and Village Industries Commission.

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(*d*) Handloom Cloth.

(*e*) Loom-state uncalendered cloth.

(*f*) Cloth delivered by a processor/hand processor to another processor/hand processor for further processing :

Provided intimation regarding movement of such cloth is sent before hand by the former, in the Form at Annexure 'A' of this Notification, by Registered Post, to the Regional Office of the Textile Commissioner under whose jurisdiction the latter falls and :

Provided movement of such cloth is recorded by the latter in the register maintained by him for this purpose in the Form at Annexure 'B' of this Notification.

(*g*) Hand Waste.

(*h*) Ropes, tapes, newar, ribbons or any other narrow width fabrics of width not exceeding 15 cm.

(*i*) Any piece of diamond mesh mosquito netting not exceeding 15 cm. in width at any point in the direction at right angles to the longest length.

(*j*) Type cord yarn.

(*k*) Cloth delivered directly for industrial use to the industry, including manufacturer of readymade garments, duly registered with the Office of the Textile Commissioner, Bombay, or licensed under the Industries (Development and Regulation) Act, 1951 (65 of 1951) provided the cloth is stamped with the words "For Industrial use only and not for Local Sale" on both ends of the piece, for which separate record is kept by both.

(*l*) Yarn reeled off from cop bottom having loose ends or knots.

(*m*) Filter cloth, endless woven felt and woven conveyor belt.

5. Tolerance.—Every marking specified in this Notification in respect of length, width, count, denier or weight, etc. shall be always subject to the relevant limits of variation laid down in Notifications issued under Section 95 of the Trade and Merchandise Marks Act, 1958 (43 of 1958).

6. Miscellaneous.—(1) Unless otherwise specifically provided in this Notification, the markings of words and letters shall be in Hindi in Devnagari Script and in English in Capital letters and the numerals marked shall be the international numerals.

(2) The markings prescribed under this Notification can also be made in other languages, in addition to language prescribed above.

(3) The height of the letters and figures used shall not be :—

(*a*) less than 0.5 cm. for markings specified under Parts II, III and IV ;

(*b*) less than 0.25 cm. for markings to be made in case of yarn packed in cones specified under Part III, and

(*c*) less than 3 cm. for the markings specified under Part V.

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(4) The markings to be made under this Notification on the face plait and selvedges of non-controlled cloth pieces and on bales or packages of non-controlled cloth shall be made in colour other than red.

(5) Where violation of any of the provisions of the Regulation by any manufacturer including processor or dealer or any person is suspected, the aggrieved person or any registered voluntary consumer association shall be entitled to have such tops, yarn and cloth tested in the laboratory, notified by the Textile Commissioner from time to time, on payment of such fees and on such terms and conditions as he may prescribe. The said laboratory shall issue a test certificate to such aggrieved person or such registered voluntary consumer association to enable them to initiate legal proceedings. If and when required, the concerned laboratory shall direct its concerned staff to appear before the court to testify the results set out in the said certificate.

(6) In addition to the prescribed markings under this Regulation, tops, yarn and cloth, as the case may be, may also be marked "All wool", provided content of new wool is 95 per cent or more.

7. **Relaxation**.—Where, on an application made by any manufacturer or class of manufacturers or otherwise, the Textile Commissioner is satisfied that any direction issued by him under this Notification causes undue hardship or difficulty to any such manufacturer or class of manufacturers, he may, by an order, for reasons to be recorded in writing direct that the directions shall not apply, or shall apply subject to such modifications, as may be specified in the order, to such manufacturer or class of manufacturers.

8. **Repeal & Saving**.—The following Notifications of the Textile Commissioner shall stand repealed after the commencement of this Notification :

(*a*) No. CER/3/69 dated 19-9-1969.

(*b*) No. 5(2)/81-CLB II dated 23-11-1981.

(*c*) No. CER/3-A/75 dated 1-10-1975 :

Provided that any order made, right accrued, penalty incurred, or anything done or deemed to have been made under the Notifications so repealed, shall be deemed to have been made, issued, accrued, incurred or done under the corresponding provisions of this Notification.

PART II

Marking on Tops

9. **Marking on Tops**.—On paper label securely pasted on the outside of each package containing tops, the following markings shall be made :—

(*a*) Name and Address of the manufacturer.

(*b*) The net weight in Kg.

(*c*) Mean fibre length (in mm)/Micron in case of wool tops.

(*d*) In case of blended tops, the words "Blended Tops" followed by exact percentage including standard moisture regain of each of the different types of fibre present in the tops packed, as illustrated below :—

Wool—45 per cent.

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Polyester—40 per cent.
Viscose—15 per cent.

PART III

Markings on Yarn

10. Markings on Spun Yarn.—The following markings shall be made on spun yarn by the manufacturers, on paper label securely pasted or attached on the bundle/package of yarn meant for sale in India :—

(*a*) Name and address of the manufacturer.

(*b*) When spun from one fibre, the words "Cotton Yarn" "Polyester spun Yarn", "Viscose Spun Yarn" etc. and in case of woollen yarn, "Woollen Worsted Yarn", "Woollen semi worsted yarn", "Woollen Shoddy Yarn", "Woollen Hand Knitting Yarn" etc. as the case may be.

(*c*) When two or more fibres have been used in the manufacture of the yarn, the words, "Blended Spun Yarn" followed by the generic name of each fibre and its exact percentage in the yarn. as illustrated below :—

"Blended Spun Yarn"
Cotton—60 per cent.
Polyester—40 per cent.
or
Polyester—40 per cent.
Cotton—38 per cent.
Viscose—22 per cent.
or
Wool—45 per cent.
Polyester—40 per cent.
Viscose—15 per cent :

Provided that when the precentage of any fibre is less than 2 per cent of the total fibre content in the yarn, the percentage of such fibre need not be stamped.

(*d*) Count of yarn alongwith fold and plies wherever applicable.

(*e*) C.S.P. value in case of cotton yarn and man-made fibre spun yarn.

(*f*) Net Weight in Kg.

(*g*) Month and Year of packing.

Note.—(*i*) In case the yarn is spun from cotton or man-made fibre, count of yarn shall be indicated in English Count, and in case of woollen yarn its counts shall be indicated in metric (N.M.) counts.

(*ii*) In case of yarn on cones, the label containing the prescribed markings as above may be pasted inside the cone, and in case of yarn on beam, the label containing the markings may be securely fastened to the beam. In case of shoddy woollen yarn on cone, such label can also be pasted outside the cone.

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11. Markings on Man-Made Continuous (Filament) Yarn.—The following markings shall be made on man-made continuous (filament) yarn by the manufacturer on paper label securely pasted or attached on the bundle/package of yarn meant for sale in India :—

(*a*) Name and address of the manufacturer.

(*b*) Net weight in kg. of yarn in the package.

(*c*) Denier of yarn with number of Filaments, and twists per metre preceded by the words "Filaments, Yarn" and its generic name, such as "Polyester", "Viscose", "Nylon", or "Acrylic" etc. as the case may be, as illustrated below :—

"Polyester Filament Yarn—40/12/600".

Note.—In case of man-made filament yarn on cones/cops, the net weight in kg. as per item (*b*) above, may be marked only on each carton and not on each cone/cope.

PART IV

Markings on Cloth

12. Markings on Cloth.—The following markings shall be made on the face plait of each piece of non controlled variety of cloth :—

(*a*) Name and address of manufacturer and the person who causes such manufacture, if any.

(*b*) Description of the cloth, for example "dhoti", "saree", "Shirting", "suiting".

(*c*) Sort number of the cloth ;

(*d*) Length in metres and width in "cm."

(*e*) "Fast to normal Washing" or "Not fast to normal washing" as the case may be ; words "preshrunk" or "mercerised", or any other process actually carried out, as the case may be.

(*f*) The words, "Seconds" or "Damaged Piece Defective Piece" when the piece of cloth is classified as "Seconds" or "Damaged Piece/Defective Piece", as the case may be ;

(*g*) In case of cloth made from man-made fibre or filament yarn, the words "Made From", followed by the words "Spun × Spun", or Filament × Filament" or "Spun × Filament", as the case may be.

(*h*) Month and year of packing.

(*i*) The exact composition of the cloth expressed in percentage by weight of each of the individual constituents to the total yarn content of both warp and weft but together, as illustrated below :—

(1) Polyester—100 per cent.

or

Cotton—100 per cent.

or

Viscose—100 per cent.

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(2) In the case of Blended cloth, the words "Blended Fabric" followed by the generic name of each constituent and its exact percentage by weight in the descending order shall be stamped, as illustrated below :—

"Blended Fabric"

Polyester—40 per cent.
Cotton—38 per cent.
Viscose—22 per cent.

or

Cotton—60 per cent.
Polyester—40 per cent.

or

Wool—40 per cent.
Polyester—38 per cent.
Viscose—22 per cent.

Note.—(1) In case of shoddy woollen blankets, minimum content of wool shall be stamped.

(2) When the percentage of any fibre is less than 2 per cent of the total fibre content in the blended fabric, the percentage of such fibre need not be stamped.

(3) The markings as in items (*f*) and (*i*) above shall also be made on every alternative metre of the cloth at a height not exceeding 2.5 cm. from the selvedge.

13. In the case of embroidered cloth (i.e. cloth decorated with designs formed by extra treads with the help of needles), meshcloth, towels, furnishing fabrics, tapestry cloth, jacquard cloth, Corduroy cloth, woollen suit piece length, handkerchief, raised blanket, bed sheet and lint cloth, the markings prescribed under this Notification may be made either on the face plait of such cloth or on a piece of cloth or paper securely stitched or stuck on the face plait of such cloth.

PART V

14. Markings on bales or other packages.—The following markings shall be made on every bale, wooden case or other package of cloth or yarn in the manner detailed hereinafter :—

(*a*) Name of the manufacturer ;

(*b*) Month & year of packing ;

(*c*) The word "Grey" or "Bleached" or "Coloured" correctly describing the entire contents of such bale, case or package under one or the other of these description :

Note : For the purpose of such markings "Grey" cloth and "Bleached" cloth mean, respectively grey and bleached cloth of every description, including sarees, dhoties or other cloth with coloured borders or headings only ; and coloured cloth means piece-dyed cloth, printed cloth and cloth made wholly or partly from dyed

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yarn and excludes grey or bleached sarees, towels or other cloth with coloured borders or heading only.

(*d*) "Chindies", "Rags", "Fents", "Seconds" or "Damaged Pieces/Defective Pieces" as the case may be.

(*e*) When a bale or package contains yarn :—

(*i*) Name of the Manufacturer ;

(*ii*) Counts of Yarn ;

(*iii*) The month and year of packing ;

(*iv*) Gross weight in kg.

ANNEXURE A

FORM 'A'

(Appendix to Notification No. CER (18)/88—CLB Dated : 7-3-1988)

Subject : *Details of cloth for processing/further processing by processor including hand processor*

Ref. No. Date.....

(Reference Clause (1) Clause 3(*g*)
(2) Clause 4(*f*)

1. Details of cloth : from the owner/manufacturer for processing

Full description of the cloth viz. fibre composition, construction and processes carried out so far with sort No. Trade No.	Quantity in metres length x width	Central Excise AR No. & Date
(1)	(2)	(3)

2. Type of process to be further carried out by the processor.
3. Probable period of processing.
4. Detailed instructions for packing, and markings including statutory markings to be stamped by the processor after completion of (2) above.
5. Name, Postal address, Seal and Signature of the Owner/Manufacturer.
6. Name, Postal address, Seal and Signature of the Processor.

ANNEXURE B

FORM 'B'

[Appendix to Notification No. CER/(18)/88—CLB Dated : 7-3-1988]

Subject : *Columns in Register for maintaining receipt of cloth for processing/further processing, by processor including hand processor.*

Ref. No. Date.....

Reference (1) Clause 3(*g*)
(2) Clause 4(*f*)

1. S. No.
2. Full description of the cloth viz. fibre composition, construction and processes carried out so far :
3. Quantity in metres length x width.

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4. Central Excise A.R. No. Date.....
5. Sort No.
6. Trade No.
7. Type of process to be carried out :
8. Probable date for processing :
9. Detailed instructions regarding (*a*) packing, (*b*) statutory marking under this Notification :
10. Date of receipt of cloth :
11. Transport by which received and details thereof :
12. Date of Central Excise clearance and AR No.
13. Date of despatch of the goods.
14. Address to which the goods despatched ;
    Transport details :

ANNEXURE C

(Notification No. CER/(18)/88-CLB dated 7-3-1988)

REFERENCE TO CLAUSE 2

For the purpose of this Notification, each of the items listed below shall be considered as defect :

(1) A float measuring 7 cm. or more in length and 0.6 cm. or more in width.

(2) A crack having—

(*a*) More than three picks missing in cloth made with 48 or less picks per 2.5 cm.

(*b*) More than four picks missing in a cloth made with more than 48 picks per 2.5 cm.

(3) A hole, not being a pin hole, cut or tear exceeding 0.3 cm. but does not exceed 0.6 cm. in size when in the body of the cloth or exceeding 0.6 cm. but does not exceed 1.2 cm. in size when on the selvedge.

(4) Weft bar due to either difference in raw material used, denier, twist, lustre or difference in colour or shade in the dying of the cloth or due to picks spacing for adjacent groups of weft yarn.

(5) When the cloth has more than two broken missing ends going together in one place and forming a warp way crack having length exceeding 15 cm.

(6) When the cloth has a noticeable oil stain mark in its body.

(7) When the cloth has oily weft, or prominently noticeable slub unless used for fancy purpose or conspicuously broken pattern either printed or woven, or gout due to foreign matters such as lint or waste materials woven into the cloth.

(8) Bleaching and Dyeing defects viz. dyestuff stain, blurred or dark patch, white spot, bleaching spot etc. of over 1 sq. cm.

(9) "Printing defect" viz. prominently noticeable spot defects such as dyestuff stain, misprint, absence of print, defect caused by hanging threads, Doctor's stain, and liner defects like uneven printing or uneven tinting, defect caused by non alignment, Doctor's line, absence of print, scrimp etc."

(10) If the cloth has a local milling or scouring or piling or raising defect.

(11) Defective hemming when the cloth is sold in units such as blankets etc.

(12) If the cloth has any prominently visible knot or warp or weft thread tied into a projection easily visible or felt by touch.

(13) In case of dhoti and saree, if any heading is missing (to be packed as "Damaged cloth only").

(14) A smash definitely rupturing the texture of the cloth.

(15) Prominently noticeable double ends running throughout the length of the piece (in the case of woollen cloth only).

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(16) Undressed snarls noticeable over a length exceeding 5 per cent of the length stamped on the piece; (in the case of woollen cloth only).

(17) Any thinly or heavily dyed selvedge being dyed differently from the body of the fabric resulting in non-uniformity of shade and extending beyond 2.5 cm. inside the fabric throughout, (in the case of woollen cloth only).

(18) Shading or listing having gradual change in tone or depth of shade of the fabric which may be liable to impart different shade to the component parts of the garments when made from the cloth.

(19) Patchy dyeing on the face side of the woollen fabrics throughout resulting in non-uniformity in the shade of the fabric.

(20) In the case of milled and scoured woollen cloth, excess or deficiency of cover, due to difference in milling, scouring or raising.

(21) Prominent mill-rigs, such as felted folds and crease produced during milling.

(22) Raising piling defects, viz. Pileless sports, uneven or loose pile sports, uneven raised spot, etc. over 2 sq. cm. and noticeable uneven raising or absence of piling raising.

(23) Cockled finish causing defective appearance in texture of the fabric throughout the piece due to irregular tension, unbalanced or defective processing.

(24) "Any other defect notified by the Textile Commissioner from time to time."

[74] **Ministry of Textiles (Office of the Textile Commissioner), Noti. No. CER/(19)/88-CLB, dated March 7, 1988, published in the Gazette of India, Extra., Part I, Section 1, dated 8th March, 1988, p. 12** [W]

In exercise of powers conferred on me under Clause 17 of the **Textiles (Control) Order, 1986**, and in supersession of the Notification No. CER/(17)/87-CLB dated the 12th February, 1987 I hereby rescind with immediate effect the Textile Commissioner's Notification No. CER/(14)/87-CLB dated 16-6-1987 called the Textiles (Consumer Protection) Regulation, 1987.

[75] **Ministry of Human Resource Development (Department of Education), Noti. No. S.O. 317(E), dated March 28, 1988, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 28th March, 1988, p. 2** [W]

In exercise of the powers conferred by sub-section (2) of Section 1 of the **All India Council for Technical Education Act, 1987** (52 of 1987), the Central Government hereby appoints the 28th day of March, 1988 as the date on which the said Act shall come into force.

[76] **Ministry of Law and Justice (Legislative Department), Noti. No. S.O. 381(E), dated April 12, 1988, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 12th April, 1988, p. 2** [*F. No. 11/18/85-Leg. III*] [W]

In exercise of the powers conferred by Section 1 of the **Parsi Marriage and Divorce (Amendment) Act, 1988** (5 of 1988), the Central Government hereby appoints the 15th day of April, 1988 as the date on which the said Act shall come into force.

[77] **Ministry of Agriculture (Department of Agriculture and Cooperation), Noti. No. S.O. 252(E), dated March 11, 1988, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 11th March, 1988, p. 2** [*No. 1-13/87-Fert. Law*] [W][L]

In exercise of the powers conferred by Section 3 of the **Essential Commodities Act, 1955** (10 of 1955), the Central Government hereby makes the following Order further to amend the Fertiliser (Control) Order, 1985, namely:—

1. (1) This order may be called the **Fertiliser (Control) (Amendment) Order, 1988.**

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(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Fertiliser (Control) Order, 1985, in Schedule-I, under the heading 'Part-A—specification of Fertilisers' :—

(1) under the sub-heading "1(*b*) Straight Phosphatic Fertilisers", after serial Number 6 and the entries relating thereto, the following serial number and entries shall be *added*, namely :—

1	2
"7. Single Super Phosphate (16% P_2O_5 Granulated.)	(*i*) Moisture, per cent by weight, maximum —5.0
	(*ii*) Free phosphoric acid (as P_2O_5) per cent by weight, maximum —4.0
	(*iii*) Water soluble phosphates (as P_2O_5) per cent by weight, maximum —16.0
	(*iv*) Particle size—Not less than 90 per cent of the material shall pass through 4 mm IS sieve and shall be retained on 1 mm IS sieve. Not more than 5 per cent shall pass through 1 mm IS sieve." ;

(2) under sub-heading "1(*c*) Straight potassic Fertilisers", against Serial Number 1 relating to Potassium Chloride (Muriate of Potash), in Column 2, against entry (*ii*), for figure "58.0" figure "60.0" shall be *substituted*.

[78] **Ministry of Human Resource Development (Department of Women & Child Development), Noti. No. G.S.R. 359(E), dated March 21, 1988, published in the Gazette of India, Extra., Part II, Section 3(i), dated 21st March, 1988, p. 1** [*File No. 9-109/88-WW : Vol. II*] [W]

In exercise of the powers conferred by the sub-section (3) of the **Commission of Sati (Prevention) Act, 1987** (3 of 1988), the Central Government hereby appoints the 21st day of March, 1988 as the date on which the said Act shall come into force.

[79] **Ministry of Human Resource Development (Department of Women & Child Development), Noti. No. G.S.R. 360(E), dated March 21, 1988, published in the Gazette of India, Extra., Part II, Section 3(i), dated 21st March, 1988, pp. 2-3** [*File No. 9-109/88-WW : Vol. II*] [W][P]

In exercise of the powers conferred by Section 21 of the **Commission of Sati (Prevention) Act, 1987** (3 of 1988), the Central Government hereby makes the following rules, namely :—

1. Short title and commencement.—(1) These rules may be called the **Commission of Sati (Prevention) Rules, 1988.**

(2) They shall come into force on the date of their publication in the Official Gazette.

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2. Definitions.—(1) In these rules, unless the context otherwise requires,—

(*a*) "Act" means the Commission of Sati (Prevention) Act, 1987 (3 of 1988) ;

(*b*) "prohibitory order" means an order issued under Section 6 ;

(*c*) "section" means section of the Act.

(2) Words and expressions used but not defined in these rules and defined in the Act shall have the same meanings as are respectively assigned to them in the Act.

3. Delegation of power to prohibit certain acts.—(1) The State Government may, by order and subject to such conditions as it may deem fit to impose, direct that the powers of the Collector or the District Magistrate under Section 6 may also be exercised by such other officers, not below the rank of the village officers.

4. Prohibitory orders under Section 6, how made.—(1) Every prohibitory order under Section 6 shall be made by beat of drum or other customary mode, in the concerned village, or in case of town or city, in the locality in which the act prohibited is likely to occur or has taken place.

(2) The prohibitory order shall be displayed at some conspicuous place in the area or areas to which such acts relate and a copy thereof shall also be displayed in the office of the officer issuing the prohibitory order and such display shall be taken as a sufficient notice to all persons concerned in the area or areas to which such order relates.

5. Manner of making order for removal of temples or structures under sub-section (1) of Section 7.—(1) Before making any order under sub-section (1) of Section 7 for removal of any temple or structure, the State Government or any other officer authorised by the State Government in this behalf, shall give at least 90 days notice to the person or persons involved in the acts complained of, and also to the owners and occupiers of the temple or structure proposed to be removed.

(2) The notice under sub-rule (1) shall specify—

(1) the temple/structure proposed to be removed, its location and other particulars,

(2) the owners/occupiers of the temple/structure, and

(3) the specific instance or instances of worship or ceremony contravening the provisions of Section 7.

(3) The State Government or the officer authorised by the State Government in this behalf shall, after giving reasonable opportunity of being heard to the persons specified in the notice, order the removal of the temple or structure through a police officer not below the rank of the Sub-Inspector.

6. Manner of making order for removal of temples or structures under sub-section (2) of Section 7.—(1) After issue of a prohibitory order under Section 6, the Collector or the District Magistrate, or such other officer as directed by the State Government by order under Rule 3, shall, before making any order for removal of any temple or structure under sub-section (2) of Section 7, give at least 90 days notice to the person or

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persons involved in the acts complained of, and also to the owners and occupiers of the temple or structure proposed to be removed.

(2) The Collector or the District Magistrate, or such other officer as directed by the State Government by order under Rule 3, shall follow the provisions of sub-rules (2) and (3) of Rule 4 in the case of orders made under this rule.

7. Inventory and forfeiture of the property of temple or structure.—As soon as the order of removal of the temple or structure is executed, the State Government or the Collector or the District Magistrate, or as the case may be, the officer as directed by the State Government by order under Rule 3, shall prepare an inventory of all the material and other property obtained after removal of such temple or structure specifying in it the place where it is lodged or kept, and shall forward the intimation thereof to the Special Court for declaration of forfeiture of the said material or property to the State under Section 13, if the Special Court considers it necessary so to do, and shall also give a copy of the inventory to the owners/occupiers of the temple/structure removed.

[80] **Ministry of Energy (Department of Power) (Central Electricity Board), Noti. No. G.S.R. 528, dated July 11, 1986, published in the Gazette of India, Part II, Section 3(i), dated 19th July, 1986, p. 1695 (As Corrected by G.S.R. No. 988, dated 30-10-1986)** [C]

In exercise of the powers conferred by Section 37 of the **Indian Electricity Act, 1910** (9 of 1910) the Central Electricity Board hereby makes the following rules further to amend the Indian Electricity Rules, 1956, namely :—

1. (1) These rules may be called the **Indian Electricity (Amendment-3) Rules, 1986.**

(2) They shall come into force on the date of their final publication in the Official Gazette.

2. In the Indian Electricity Rules, 1956 (hereinafter referred to as the principal rules), Rule 78 shall be re-numbered as sub-rule (1) thereof and after sub-rule (1), as so renumbered, the following sub-rule shall be *inserted*, namely :—

"(2) In any case of a crossing referred to in sub-rule (1), whoever lays his line later in time, shall provide the clearance between his own line and the line which will be crossed in accordance with the provisions of said sub-rule :

Provided that if the later entrant is the owner of the lower line and is not able to provide adequate clearance, he should bear the cost for modification of the upper line so as to comply with this rule."

[81] **Ministry of Energy (Department of Power) (Central Electricity Board), Noti. No. G.S.R. 529, dated July 11, 1986, published in the Gazette of India, Part II, Section 3(i), dated 19th July, 1986, p. 1696 (As Corrected by G.S.R. No. 126, dated 13-2-1987)** [C]

In exercise of the powers conferred by Section 37 of the **Indian Electricity Act, 1910** (9 of 1910), the Central Electricity Board hereby makes the following rules further to amend the Indian Electricity Rules, 1956, namely :—

1. (1) These rules may be called the **Indian Electricity (Amendment-2) Rules, 1986.**

(2) They shall come into force on the date of their final publication in the Official Gazette.

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2. In the Indian Electricity Rules, 1956,—

(*i*) in Rule 45,—

(*a*) in the head note for the word "owners", the words "owners, occupiers"; and

(*b*) in sub-rule (1) for the words "consumer or owner" the words "consumer, owner or occupier" shall be *substituted*;

(*c*) for sub-rule (2), the following shall be *substituted*, namely :—

"(2) No electrical installation work which has been carried out in contravention of sub-rule (1) shall either be energised or connected to the works of any supplier.";

(*ii*) In Rule 48 for sub-rule (1) the following shall be *substituted*, namely :—

"(1) The supplier shall not connect with his works the installation or apparatus on the premises of any applicant for supply unless he is reasonably satisfied that the connection will not, at the time of making the connection, cause a leakage from that installation or apparatus of a magnitude detrimental to safety. Compliance with this rule shall be checked by measuring the insulation resistance as provided below :

(*i*) High Voltage Equipments/Installations :—

(*a*) High Voltage equipments shall have the IR value as stipulated in the relevant Indian Standard.

(*b*) At a pressure of 1000 V applied between each live conductor and earth for a period of one minute the insulation resistance of HV installations shall be at least 1 megohm or as specified by the Indian Standards Institution from time to time.

(*ii*) Medium and Low Voltage Installations.—At a pressure of 500 V applied between each live conductor and earth for a period of one minute, the insulation resistance of medium and low voltage installations shall be at least 1 Megohm or as specified by the Indian Standards Institution from time to time.

(*iii*) in Rule 49, in sub-rule (2) for clause (*b*) the following shall be *substituted*, namely :—

"(*b*) When an insulation resistance at the consumer's installation is so low as to prevent safe use of energy."

(*iv*) in Rule 51, in sub-rule (1), after clause (*c*) the following shall be *inserted*, namely :—

"(*d*) In case of installations provided in premises where inflammable materials including gases and/or chemicals are produced, handled or stored, the electrical installations, equipment and apparatus shall comply with the requirements of flame proof, dust tight, totally enclosed or any other suitable type of electrical fittings depending upon the hazardous zones as per the relevant Indian Standard Specifications."

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(*v*) for Rule 140, the following shall be *substituted*, namely :—

"*140. Penalty for breach of Rule 82.*—(*a*) Where no notice is given under Rule 82(1) or the amount of estimate as demanded under Rule 82(2) is not deposited, both the persons proposing and the contractor engaged for erecting a new building or structure whether permanent or temporary or for making in or upon any building or structure any permanent or temporary additions or alterations, shall be deemed to have committed a breach of Rule 82(1) and shall be punishable with a fine which may extend to three hundred rupees ;

(*b*) If any person, commences or continues any work in contravention of Rule 82(3), in or upon any such building, structure, flood bank, road or carries out addition or alteration thereto, the person contravening the same shall be punishable with a fine which may extend to three hundred rupees.

In addition to this the supplier shall, after obtaining the concurrence of the Inspector discontinue the supply, if any, to such building, structure, flood bank, or road, etc. but only after giving forty-eight hours notice to the person concerned in writing of disconnection of supply and shall not commence the supply until he and inspector are satisfied that the cause has been removed."

[82] **Ministry of Industry (Department of Industrial Development), Noti. No. G S.R. 41(E), dated January 15, 1988, published in the Gazette of India, Extra., Part II, Section 3(i), dated 18th January, 1988, pp. 3-4** [*File No. 2(4)/86-DPR/EGGS*] [W][P][L]

In exercise of the powers conferred by Sections 5 and 7 of the **Explosives Act, 1884** (4 of 1884), the Central Government hereby makes the following rules :—

1. (1) These rules may be called the **Explosives (Amendment) Rules, 1988.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Explosives Rules, 1983 (hereinafter referred to as the said rules), in Rule 2,—

(*i*) in clause (6), for the words "and Controller of Explosives", the words "Controller of Explosives and Deputy Controller of Explosives", shall be *substituted* ;

(*ii*) after clause (7), the following clause shall be *inserted*, namely :—

"(7-A) "District Authority" means—

(*a*) in towns having a Commissioner of Police, the Commissioner or a Deputy Commissioner of Police ;

(*b*) in any other place, the District Magistrate" ;

(*iii*) in clause (9), for the words "2/3rd the full", the word "the", shall be *substituted* ;

(*iv*) in clause (13), for the figures "2.5", the figure "5" shall be *substituted* ;

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(*v*) in clause (14), the words "Director General Mines Safety", the words "Director General of Mines Safety" shall be *substituted*;

(*vi*) in clause (16),/(*a*) in sub-clause (*a*), the words "dams and reservoirs" shall be *omitted*;

(*b*) in sub-clause (*b*), after the word "water-ways" the words "or dams and reservoirs" shall be *inserted*;

(*c*) for sub-clause (*c*), the following clause shall be *substituted*, namely :—

(*c*) "overhead trunk high tension power lines; but does not include footpath, cart tracks not in regular use, agricultural wells and pump sets connected therewith,";

(*vii*) in clause (25), the word "means" shall be *omitted*.

3. In Rule 8 of the said rules,—

(*i*) in sub-rule (1), the words "it is packed" shall be *omitted*;

(*ii*) for sub-clause (*a*), the following sub-clause shall be *substituted*, namely :—

"it is packed in the manner laid down in Schedule II",

4. In Rule 43 of the said rules, for the words "part of a vessel", the words "part of a carriage or vessel", shall be *substituted*.

5. In Rule 114 of the said rules, in clause (*c*) of sub-rule (1), for the figures "20", figures "50" shall be *substituted*.

6. In Rule 134 of the said rules in the proviso for the figures "12.5", the figures "15" shall be *substituted*.

7. In Part IV of Chapter VI of the said rules, after the words "OR FIREWORKS", the words "OR GUNPOWDER" shall be *inserted*.

8. In Rule 137 of the said rules, after words "Fireworks or" the words "Gunpowder and" shall be *substituted*.

9. In Rule 138 of the said rules, after the words "Fireworks or", the words "gunpowder and" shall be *inserted*.

10. In Rule 155 of the said rules, in clause (*b*) of sub-rule (1), the words "other than liquid oxygen explosives" shall be *omitted*.

11. In Rule 177 of the said rules, in clause (*c*) of sub-rule (1), for the figures "12.5", figure "15" shall be *substituted*.

12. In Schedule IV of the said rules,—

(*i*) against Article 1(*b*), for the entries under columns (3) and (4), the following entry shall be *substituted*, namely :—

	"(3)	(4)
	To manufacture fireworks and/or gun powder (*i*) up to 15 kgs. (*ii*) more than 15 kgs. and upto 200 kgs.	District Authority Controller of Explosives, authorised by Chief Controller".

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(*ii*) against Article 4(*a*) the entry under column (3) the following entry shall be *substituted*, namely :—

"To possess and sell from a shop small-arms nitro-compound not exceeding 25 kgs. or fireworks not exceeding 100 kgs. of class 7 Division 2 sub-division 2, 1000 kgs. of Class 7 Division 2 Sub-division 1, or gunpowder not exceeding 25 kgs. and safety fuse not exceeding 10,000 metres.

13. In Form 24 of the said rules, for the opening paragraph, the following paragraph shall be *substituted*, namely :—

"Licence to possess and sell small-arms nitro-compound not exceeding 25 kgs. or fire-works not exceeding 1000 kgs. of Class 7 Division 2 sub-Division 1, 100 kgs. of Class 7 Division 2, sub-division 2, or gunpowder not exceeding 25 kgs. and safety fuse not exceeding 10,000 metres."

[83] **Ministry of Energy (Department of Power), Central Electricity Board, Noti. No. G S.R. 336, dated March 28, 1988, published in the Gazette of India, Part II, Section 3(i), dated 23rd April, 1988, p. 1273** [*CEB-305/PP-2, 51, 64/88*] [W]

In exercise of the powers conferred by Section 37 of the **Indian Electricity Act, 1910** (9 of 1910) and after due consideration of the objections and suggestions received, the Central Electricity Board hereby makes the following rules further to amend the Indian Electricity Rules, 1956.

1. (1) These rules may be called the **Indian Electricity (Amendment-1) Rules, 1988.**

(2) They shall come into force on the date of final publication in the Official Gazette.

2. In the India Electricity Rules, 1956,

(*i*) after clause (*af*), of sub-rule (1) of Rule 2, following clause shall be *inserted*, namely :—

"(*aff*) 'officer appointed to assist the Inspector' means an officer appointed under Rule 4-A,";

(*ii*) for the proviso after clause (*a*), of sub-rule (1), of Rule 51, the following proviso shall be *substituted*, namely :—

"Provided that non-metallic conduits conforming to the relevant Indian Standard Specifications may be used for medium voltage installations, subject to such conditions as the Inspector or Officer appointed to assist an Inspector may think fit to impose.";

(*iii*) After Sub-rule (2), of Rule 64, the following sub-rule shall be *inserted*, namely :—

"(3) All EHV apparatus shall be protected against lightning as well as against switching over voltage. The equipment used for protection and switching shall be adequately co-ordinated with the protected apparatus to ensure safe operation as well as to maintain the stability of the interconnected units of the power system".

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[84] **Ministry of Industry, (Department of Company Affairs), Noti. No. G.S.R. 781(E), dated July 13, 1988, published in the Gazette of India, Extra., Part II, Section 3(i), dated 13th July, 1988, p. 1** [*File No. 1/6/88-CL. V*] [W]

In exercise of the powers conferred by sub-section (2) of Section 1 of the **Companies (Amendment) Act, 1988** (31 of 1988), the Central Government hereby appoints the 15th day of July, 1988, as the date on which the provisions of Sections 3, 57(*a*), 63 and 67 (in so far as it relate to the prescribing of fees) of the said Act shall come into force.

[85] **Ministry of Industry (Department of Company Affairs), Noti. No. G.S.R. 782(E), dated July 13, 1988, published in the Gazette of India, Extra., Part II, Section 3(i), dated 13th July, 1988, pp. 4-6** [*F. No. 1/6/88-CL. V*] [W]

In exercise of the powers conferred by clauses (*a*) and (*b*) of sub-section (1) of Section 642 of the **Companies Act, 1956** (1 of 1956) and all other powers hereunto enabling, the Central Government hereby makes the following rules further to amend the Companies (Central Government's) General Rules and Forms, 1956, namely :—

1. (1) These rules may be called the **Companies (Central Government's) General Rules and Forms (Fourth Amendment) Rules, 1988**.

(2) They shall come into force on the 15th day of July, 1988.

2. In the Companies (Central Government's) General Rules and Forms, 1956,—

(*a*) after Rule 4-B, the following rule shall be *inserted*, namely :—

"4-BB. Section 5,—

(1) The company shall, within thirty days of exercising its powers pursuant to the provisions of clause (*f*) or clause (*g*) of Section 5 of the Act, file with Registrar a return in Form 1-AA duly signed by Secretary or where there is no Secretary, by a director.

(2) Every return relating to exercise of power under clause (*f*) shall be accompanied by the consent given to the Board of directors by the person concerned in Form 1-AB.

(3) Where, the consent given pursuant to the proviso to clause (*f*) of Section 5 has been revoked or withdrawn, the company shall within thirty days of such revocation or withdrawal file with the Registrar a return in Form 1-AC." ;

(*b*) after Rule 21, the following rule shall be *inserted*, namely,—

"21-A. Fees for inspection of documents etc.—
The fee payable in pursuance of the following provisions of the Act shall be—

(1) Clause (*a*) of sub-section (1) of Section 118	rupees ten.
(2) Clause (*b*) of sub-section (1) of Section 118	rupee one.
(3) Sub-section (2) of Section 144	rupees ten.
(4) Clause (*b*) of sub-section (2) of Section 163	rupees ten.

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(5) Clause (*b*) of sub-section (3) of Section 163	rupee one.
(6) Sub-section (2) of Section 196	rupee one.
(7) Clause (*a*) of sub-section (1) of Section 610	rupees ten.
(8) Clause (*b*) of sub-section (1) of Section 610—	
(*i*) for copy of certificate of incorporation	rupees ten.
(*ii*) for copy or extracts of other documents	rupees five per page of the document". ;

(*c*) In Annexure 'A', after Form 1-A, the following Forms shall be *inserted*, namely :—

Form 1-AA

No. of the Company..... Authorised Capital Rs.....

Name of the Company.....

THE COMPANIES ACT, 1956

Particulars of person(s)/director(s)/charged/specified for the purpose of clause (*f*)/(*g*) of Section 5

[Pursuant to proviso to Section 5(*g*)]

Full Name of the person(s)/ director(s)	Full residential address	Name of the Police Station having jurisdiction over the address	Date of Birth
1	2	3	4

Nationality	Date of consent given under proviso to clause (*f*)	Date of Board resolution	Provisions of the Companies Act to which the consent relates
5	6	7	8

Dated this day of 19 .

Signature
Name
Designation."

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Form 1-AB

THE COMPANIES ACT, 1956

Consent of the person charged by the Board with the responsibility of complying with the provisions of the Act

[Pursuant to Section 5(*f*)]

To

The Board of Directors of.....Ltd.

I,.....son of.....hereby give my consent for being charged by the Board of Directors of the Company abovenamed with the responsibility of complying with the undermentioned provisions of the Companies Act, 1956.

1. .....
2. .....
3. .....

Signature

Date this day of 19 . Name of the Person.

Form 1-AC

No. of the Company..... Authorised Capital Rs.....

Name of the Company.....

THE COMPANIES ACT, 1956

Particulars of persons/director(s)/charged/specified for the purpose of Clause (*f*)/(*g*) of Section 5

[Pursuant to proviso to Section 5(*g*)]

Full Name of the person(s)/ director(s)	Full residential addresss	Date of revocation or withdrawal of consent	Provisions of the Companies Act to which the revocation or withdrawal of consent relates
1	2	3	4

Dated this day of 19 .

Signature
Name
Designation."

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[86] **Cabinet Secretariat, Noti. No. S.O. 735(E), dated August 1, 1988, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 1st August, 1988, p. 2** [*No. 1293/Secy. (S)/88*] [W]

In exercise of the powers conferred by sub-section (2) of Section 1 of the **Special Protection Group Act, 1988** (34 of 1988), the Central Government hereby appoints the 1st day of August, 1988, as the date on which the said Act shall come into force.

[87] **Ministry of Finance (Department of Revenue), Noti. No. G.S.R. 799(E), dated July 18, 1988, published in the Gazette of India, Extra., Part II, Section 3(i), dated 18th July, 1988, p. 2** [*No. 50-NT/88-CUS/F. No. 493/46/85-Cus. VI*] [W]

In exercise of the powers conferred by sub-section (2) of Section 1 of the **Customs (Amendment) Act, 1988** (27 of 1988), the Central Government hereby appoints the 16th day of August, 1988, as the date on which the said Act shall come into force.

[88] **Ministry of Food and Civil Supplies (Department of Civil Supplies), Noti. No. S.O. 595(E), dated June 21, 1988, published in the Gazette of India, Extta., Part II, Section 3(ii). dated 21st June, 1988, pp. 3-4** [*F. No. 24(3)/87-ECR&E*] [W] [L]

In exercise of the powers conferred by Section 3 of **Essential Commodities Act, 1955** (10 of 1955), the Central Government hereby makes the following order further to amend the Pulses, Edible Oilseeds and Edible Oils (Storage Control) Order, 1977 namely:—

1. (1) This order may be called the **Pulses, Edible Oilseeds and Edible Oils (Storage Control) (Second Amendment) Order, 1988.**

(2) It shall come into force on the date of its publication in the official Gazette.

2. In the Pulses, Edible Oilseeds and Edible Oils (Storage Control) Order, 1977 (hereinafter referred to as the said order), for clause (*d*) of paragraph 2, the following clause shall be *substituted*, namely:—

'(*d*) "Other Areas" means any other place which is not a Category A City or Category B City;',

3. In the said order, in sub-paragraph (1) of paragraph 4, for the words and letter "Category C Cities" wherever they occur, the words "other Areas" shall be *substituted*.

[89] **Ministry of Labour, Noti. No. S.O. 716(E), dated July 15, 1988, published in the Gazette of India, Extra., Part II, Section S(ii) dated 20th July, 1988, p. 2** [*No. S-35011/6/88-SS. II* [W][P]

In exercise of powers conferred by sub-section (2) of Section 1 of the **Employees' Provident Funds and Miscellaneous Provisions (Amendment) Act, 1988** (33 of 1988), the Central Government hereby appoints the 1st day of August, 1988, as the date on which the provisions of Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 15, 16, 17, 18, 19, 21, 24, 26 and 27 of the said Act shall come into force.

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[90] **Ministry of Finance (Department of Revenue), Noti. No. G.S.R. 768(E), dated July 1, 1988, published in the Gazette of India, Extra., Part II, Section 3(i), dated 1st July, 1988, pp. 2-3** [*No. 19/88-CE(NT)/F. No. 201/3/88-CX-6*]

In exercise of the powers conferred by Section 37 of the **Central Excises and Salt Act, 1944** (1 of 1944) the Central Government hereby makes the following rules further to amend the Central Excise Rules, 1944, namely :—

1. (1) These rules may be called the **Central Excise (Third Amendment) Rules, 1988**.

(2) They shall come into force on the 1st day of July, 1988.

2. In the Central Excise Rules, 1944,—

(1) In Rule 2, after clause (*viii*), the following clause shall be *inserted*, namely :—

"(*viiia*) 'Principal Collector' means, in relation to all excisable goods, in the areas falling within the jurisdiction of,—

(A)(1) Collector of Central Excise, Bombay-I,
(2) Collector of Central Excise, Bombay-II,
(3) Collector of Central Excise, Bombay-III,
(4) Collector of Central Excise, Pune,
(5) Collector of Central Excise, Aurangabad,
(6) Collector of Central Excise, Nagpur,
(7) Collector of Central Excise, Vadodara,
(8) Collector of Central Excise, Ahmedabad,
(9) Collector of Central Excise, Goa,
(10) Collector of Central Excise, Rajkot,

the Principal Collector of Central Excise, West Zone ;

(B)(1) Collector of Central Excise, Madras,
(2) Collector of Central Excise, Coimbatore,
(3) Collector of Central Excise, Bangalore,
(4) Collector of Central Excise, Belgaum,
(5) Collector of Central Excise, Hyderabad,
(6) Collector of Central Excise, Guntur,
(7) Collector of Central Excise, Madurai,
(8) Collector of Central Excise, Tiruchirapalli,
(9) Collector of Central Excise, Cochin,

the Principal Collector of Central Excise, South Zone ;

(C)(1) Collector of Central Excise, Calcutta-I,
(2) Collector of Central Excise, Calcutta-II,
(3) Collector of Central Excise, Bolpur,
(4) Collector of Central Excise, Patna,
(5) Collector of Central Excise, Shillong,
(6) Collector of Central Excise, Bhubaneshwar,

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the Principal Collector of Central Excise, East Zone ;

(D)(1) Collector of Central Excise, Jaipur,

(2) Collector of Central Excise, Meerut,

(3) Collector of Central Excise, Kanpur,

(4) Collector of Central Excise, Allahabad,

(5) Collector of Central Excise, Chandigarh,

(6) Collector of Central Excise, Delhi,

(7) Collector of Central Excise, Indore,

the Principal Collector of Central Excise, North Zone ;" ;

(2) Rule 8 shall be *omitted* ;

(3) in Rule 56-A,—

(*i*) in sub-rule (2-B), after the words and figure "or Rule 8", the words, figure and letter "or Section 5-A of the Act, as the case may be, shall be *inserted* ;

(*ii*) in sub-rule (2-C), after the words and figure "or rule", the words, figure and letter "or Section 5-A of the Act" shall be *inserted* ;

(4) in Rule 57-B, after the word and figure "Rule 8", the words, figure and letter, "or Section 5-A of the Act, as the case may be," shall be *inserted* ;

(5) in Rule 173-L, in sub-rule (4), for the words "the Central Government", the words "the Principal Collector" shall be *substituted* ;

(6) in Rule 192, after the word and figure "Rule 8", the words, figure and letter, "or Section 5-A of the Act, as the case may be," shall be *inserted*.

[91] **Ministry of Finance (Department of Revenue), Noti. No. G.S.R. 752(E), dated June 29, 1988, published in the Gazette of India, Extra., Part II, Section 3(i), dated 29th June, 1988, p. 2** [*No. 18/88-CE(NT)/F. No. 313/3/88-CX-10*] [W][P]

In exercise of the powers conferred by sub-section (2) of Section 1 of the **Customs and Central Excises Laws (Amendment) Act, 1988** (29 of 1988), the Central Government hereby appoints the 1st day of July, 1988, as the date on which all the provisions of the said Act, except Sections 4, 5, 11, 12 and 16 thereof, shall come into force.

[92] **Ministry of Health and Family Welfare (Department of Health), Noti. No. G.S.R. 681(E), dated June 6, 1988, published in the Gazette of India, Extra., Part II, Section 3(i), dated 6th June, 1988, pp. 2-3** [*No. X-11013/8/85-DMS & PFA*] [W][L]

In exercise of the powers conferred by Sections 12 and 33 of the **Drugs and Cosmetics Act, 1940** (23 of 1940) the Central Government, after consultation with the Drugs Technical Advisory Board, hereby makes the following rules further to amend the Drugs and Cosmetics Rules, 1945, namely :—

1. (1) These rules may be called the **Drugs and Cosmetics (Fifth Amendment) Rules, 1988**.

(2) They shall come into force on the date of their publication in the Official Gazette.

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2. In the Drugs and Cosmetics Rules, 1945,

(*a*) in Rule 2, in clause (*f*), after the words "means a sale", the following shall be *added*, namely :—

"(Whether to a hospital, or a dispensary, or a medical, educational or research institute or to any other person.)".,

(*b*) In Rule 64, for the word "granted" wherever it occurs, the words "granted or renewed" shall be *substituted*.

(*c*) In Rule 127, in sub-rule (1), in clause (2) after the word "Caramel", the word "Riboflavine", shall be *inserted*,

(*d*) In Rule 142, the following proviso shall be *inserted*, at the end, namely :—

"Provided that clauses (*b*—1) and (*c*) shall not apply to the manufacture of soap and the procedure for testing of raw materials and the records to be maintained by a manufacturer of soap shall be such as are approved by the "Licensing Authority.",

(*e*) in Rule 148, in clause (4), the following shall be *inserted* at the end, namely :—

"Provided further that in the case of soaps, instead of the batch number, the month and year of manufacture of soap shall be given on the label.",

(*f*) in 'Schedule A' :—

(*i*) in Form 20-B, after paragraph 2, the following shall be *inserted*, namely :—

"3. The sale shall be made under the personal supervision of a competent person.
(Name of the competent person).",

(*ii*) in Form 21-B, after paragraph 2, the following shall be *inserted*, namely :—

"2-A. The sale shall be made under the personal supervision of a competent person. (Name of the competent persons)".,

(*iii*) in Form 39, in item (5), for existing sub-item (*c*), the following shall be *substituted*, namely :—

"(*c*) Batch size as represented by sample."

[93] **Ministry of Law & Justice (Department of Justice), Noti. No. G.S.R. 678(E), dated May 31, 1988, published in the Gazette of India, Extra., Part II, Section 3(i), dated 2nd June, 1988, pp. 2-3** [*F. No. 79/1/85-Jus (JR)*] [W]

In exercise of the powers conferred by sub-section (1) of Section 22 of the **Family Courts Act, 1984** (66 of 1984), the Central Government with the concurrence of the Chief Justice of India, hereby makes the following rules, namely :—

1. **Short title and commencement.**—(1) These rules may be called the **Family Courts (Other Qualifications for Appointment of Judges) Rules, 1984.**

(2) They shall come into force on the date of their publication in the Official Gazette.

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2. **Other qualifications for appointment of a Judge**.—A person shall not be qualified for appointment as a Judge of a Family Court unless he fulfills the conditions specified in clause (*a*) or clause (*b*) of sub-section (3) of Section 4 of the Family Courts Act, 1984 (66 of 1984) or possess the following other qualifications, namely :—

(*i*) a Post Graduate in Law with specialisation in Personal Laws ;

OR

a Post Graduate degree in Social Sciences such as Master of Social Welfare, Sociology, Psychology or Philosophy with a degree in Law ; and

(*ii*) at least seven years' experience in field work/research or of teaching in a Government Department or in a College/University or a comparable academic institute, with special reference to problem of women and children ;

OR

seven years' experience in the examination and/or application of Central/State Laws relating to marriage, divorce, maintenance, guardianship, adoption and other family disputes.

3. **Decision of questions**.—if any question arises about the interpretation of the provisions of these rules, the Central Government shall decide the same.

[94] **Ministry of Finance (Department of Revenue), Noti. No. G.S.R. 645(E), dated May 24, 1988, published in the Gazette of India, Extra., Part II, Section 3(i), dated 24th May, 1988, pp. 2-3** [*No. 14/88-CE(N.T.)/F. No. 210/2/86-CX-6*] [W]

In exercise of the powers conferred by Section 37 of the **Central Excises and Salt Act, 1944** (1 of 1944), the Central Government hereby makes the following rules further to amend the Central Excise Rules, 1944, namely :—

(1) These rules may be called the Central Excise (2nd Amendment) Rules, 1988.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Central Excise Rules, 1944,—

(*a*) in Rule 173-H,—

(*i*) in the marginal heading, for the word "re-entry", the word "bringing" shall be *substituted* ;

(*ii*) in sub-rule (1), in the opening portion, for the words "the goods on which duty has been paid", the words "the goods, whether manufactured in his factory or any other factory, on which the duty has been paid" shall be *substituted* ;

(*b*) in Rule 232-B, in the opening portion,—

(*i*) for the words, figures and letter "of Section 35-Q", the words, brackets, letters and figures "of clause (*c*) of sub-section (2) of Section 35-Q" shall be *substituted* ;

(*ii*) the words, brackets, letter and figures "being the qualifications specified under clause (*d*) of sub-section (2) of Section 35-Q" shall be *omitted*.

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[95] **Ministry of Health and Family Welfare (Department of Health), Noti. No. G.S.R. 677(E), dated June 2, 1988, published in the Gazette of India, Extra., Part II, Section 3(i), dated 2nd June, 1988, pp. 2-3**
[*No. X-11014/5/87-DMS & PFA*] [W][L]

In exercise of the powers conferred by Sections 12 and 33 of the **Drugs and Cosmetics Act, 1940** (23 of 1940), the Central Government, after consultation with the Drugs Technical Advisory Board, hereby makes the following rules further to amend the Drugs and Cosmetics Rules, 1945, namely :—

1. (1) These rules may be called the **Drugs and Cosmetics (Third Amendment) Rules, 1988.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Drugs and Cosmetics Rules, 1945, in Schedule K, after entry 26, the following entry shall be *inserted*, namely :—

Class of Drugs	Extent and condition of Exemption
"27. Oral Rehydration Salts (Manufactured as per the following formula) Sodium chloride 3.5 g/litre. *Trisodium citrate dihydrate 2.9 g/litre. Potassium chloride 1.5 g/litre. *May be replaced by Sodium bicarbonate (Sodium hydrogen Carbonate) 2.5 g/Litre, when citrate salt is not available.	The provisions of Chapter IV of the Act and Rules there under which required them to be covered by a sale licence, subject to the conditions that such a product has been manufactured under a valid drug manufacturing Licence".

[96] **Ministry of Health and Family Welfare (Department of Health), Noti. No. G.S.R. 676(E), dated June 2, 1988, published in the Gazette of India, Extra., Part II, Section 3(i), dated 2nd June, 1988, pp. 2-3**
[*No. X-11014/2/87-DMS & PFA*] [W][L]

In exercise of the powers conferred by Sections 12 and 33 of the **Drugs and Cosmetics Act, 1940** (23 of 1940), the Central Government, after consultation with the Drugs Technical Advisory Board, hereby makes the following rules further to amend the Drugs and Cosmetics Rules, 1945, namely :—

1. (1) These rules may be called the **Drugs and Cosmetics (Fourth Amendment) Rules, 1988.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Drugs and Cosmetics Rules, 1945, in sub-rule (1) of Rule 94, after clause (*d*), the following proviso shall be *inserted*, namely :—

"Provided that where a drug, not classified under Schedule F, Schedule F(1) and Schedule X, blood products, Narcotic and Psychotrophic Substances is required by the consignee to be not labelled with the name and address of the manufacturer, the labels on packages or containers shall bear a code number as approved by the licensing authority mentioned in Rule 21".

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[97] **Ministry of Health & Family Welfare (Department of Health), Noti. No. G.S.R. 675(E), dated June 2, 1988, published in the Gazette of India, Extra., Part II, Section 3(i), dated 2nd June, 1988, pp. 2-3** [*X-11014/1/87-DMS & PFA*] [W][L]

In exercise of the powers conferred by Sections 12 and 33 of the **Drugs and Cosmetics Act, 1940** (23 of 1940), the Central Government, after consultation with the Drugs Technical Advisory Board, hereby makes the following rules further to amend the Drugs and Cosmetics Rules, 1945, namely :—

1. (1) These rules may be called the **Drugs and Cosmetics (Second Amendment) Rules, 1988.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Drugs and Cosmetics Rules, 1945, in Schedule R,—

(*i*) in paragraph 11, the existing 'Note' shall be numbered as "NOTE I" and after note I as so numbered shall be *inserted* namely :—

"*Note II*—for Condoms with a single wall thickness not exceeding 0.04 mm, instead of 250 ml. water, 100 ml. water shall be used.",

(*ii*) in paragraph 12, the figures and word, "+ 10 per cent" shall be *omitted.*

[98] **Ministry of Communications (Department of Posts), Noti. No. G.S.R. 281, dated March 18, 1988, published in the Gazette of India, Part II, Section 3(i), dated 9th April, 1988, p. 1009** [*No. 14-2/87-C. I.*] [W]

In exercise of the powers conferred by Section 29 of the **Indian Post Office Act, 1898** (6 of 1898), the Central Government hereby makes the following rules further to amend the Indian Post Office Rules, 1933, namely :—

1. (1) These rules may be called the **Indian Post Office (11th Amendment) Rules, 1987.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Indian Post Office Rules, 1933, in Rule 59, for the second proviso, the following provisos shall be *substituted*, namely :—

"Provided further that a fee of Rs. 1.25 only shall be charged for the registration of a value payable book packet containing printed books, the printed or stamped value whereof does not exceed Rs. 50 :

Provided further that the concession specified in the second proviso shall not be admissible unless the price is either printed or stamped on the printed book or books, as the case may be."

[99] **Ministry of Petroleum and Natural Gas, Noti. No. G.S.R. 816(E), dated July 27, 1988, published in the Gazette of India, Extra., Part II, Section 3(i), dated 27th July, 1988, pp. 2-3** [*File No. P. 20014/12/87-PP*] [W][L]

In exercise of the powers conferred by Section 3 of the **Essential Commodities Act, 1955** (10 of 1955), the Central Government hereby makes the following order further to amend the Kerosene (Restriction on Use and Fixation of Price) Order, 1966, namely :—

1. (1) This order may be called the **Kerosene (Restriction on Use and Fixation of Price) Amendment Order, 1988.**

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(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Kerosene (Restriction on Use and Fixation of Price) Order, 1966,—

(*a*) for Clause 2, the following clause shall be *substituted*, namely :—

"*2. Definitions.*—In this Order, unless the context otherwise requires,—

(*i*) 'fishermen' means persons engaged in sea fishing using traditional fishing craft fitted with outboard motors run on Kerosene ;

(*ii*) 'Kerosene' shall have the meaning assigned to it in Sub-heading No. 2710.19 of Chapter 27 of the Schedule to the Central Excise Tariff Act, 1985 (5 of 1986) but shall not include aviation turbine fuel ;."

(*b*) for Clause 5, the following clause shall be *substituted*, namely :—

"5. *Fixing of price of Kerosene to be used for industrial purpose.*— Notwithstanding anything contained in the Kerosene (Fixation of Ceiling Prices) Order, 1970,—

(*a*) the ex-storage price of kerosene for any industrial purpose, referred to in Clause 4, other than the purpose specified in sub-clause (*b*), shall be Rs. 3039.06 per Kilo litre ;

(*b*) the ex-storage price of kerosene drawn by fishermen for the industrial purpose of fishing, referred to in Clause 4, shall be the price specified in the Schedule to the said Order, as amended from time to time ;

(*c*) kerosene for the purposes referred to in sub-clause (*a*) or sub-clause (*b*) shall be drawn by the person permitted to use it, directly from the oil companies or the wholesale kerosene dealers to whom retail kerosene licences for the above purposes have been issued or the retail kerosene dealers specifically appointed for selling kerosene for such essential industrial use, as the case may be, to be indicated in the permit to be issued by the State Government."

[100] **Ministry of Environment and Forests (Department of Environment, Forests and Wildlife), Noti. No. S.O. 489(E), dated May 17, 1988, published in the Gazette of India, Extra., Part II, Section 3(ii) dated 17th May, 1988, pp. 3-5** [*No. 1 (32)/86-PL*] [W][L]

In exercise of the powers conferred by clause (*b*) of sub-section (1) of Section 12 and Section 13 of the **Environment (Protection) Act, 1986** (29 of 1986), read with Rule 10 of the Environment (Protection) Rules, 1986, the Central Government hereby recognises the laboratories specified in column (2) of the Table below as environmental laboratories to carry out the functions entrusted to the environmental laboratories under the said Act and specifies the persons in column (3), of the said Table, to be the Government Analysts for the purposes of analysis of samples of air, water, soil, other substances sent for analysis by the Central Government or the officer empowered under Section 11 of the said Act and makes the following amendments in the notification of the Government of India in the Ministry of Environment and Forests, No. 728(E), dated the 21st July 1987 (published in 1987 CCL-III-709 § [429]), namely :—

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After Serial Number 50 and the entries relating thereto, the following serial numbers and entries shall be *added*, namely :—

(1)	(2)	(3)
"51.	Regional Research Laboratory, (Council of Scientific and Industrial Research), Industrial Estate P.O. TRIVANDRUM-695 019.	Dr. T. Prasada Rao, Scientist.
52.	Central Mining Research Station Laboratory, (Council of Scientific and Industrial Research) Barwa Road, DHANBAD-826 001.	1. Mr. P.K. Nair, Scientist. 2. Dr. A.K. Bose, Scientist. 3. Mr. B.N. Dalal, Scientist. 4. Mr. N.N. Banerjee, Scientist. 5. Mr. M.S. Golay, Scientist. 6. Mr. J.P. Adhikari, Scientist. 7. Mr. Rabindranath Mukherjee, Scientist. 8. Mr. A. Banerjee, Scientist. 9. Dr. D.P. Rajwar, Scientist. 10. Mr. M.L. Mahato, Scientist. 11. Mr. K.C. Jayaprakash, Scientist. 12. Dr. A.K. Sinha, Scientist. 13. Mr. K.N. Mandal, Scientist. 14. Dr. J.M. Bose, Scientist. 15. Mr. R.K. Tiwary, Scientist. 16. Dr. Sanjay Kumar Ghosh, Scientist. 17. Mr. Achintya Das Gupta, Scientist. 18. Dr. B.K. Tewary, Scientist. 19. Mr. N.A. Rashidi, Scientist. 20. Mr. P.K. Mullick, Scientist. 21. Dr. S. Mandal, Scientist.
53.	Regional Laboratory, Gujarat Pollution Control Board, Madan Mohan Kunj, 15, Panchnath Plot, RAJKOT-360 001.	1. Dr. Dilipkumar Balvantray Desai, Scientific Officer. 2. Mrs. K.D. Parmar, Scientific Assistant. 3. Mr. S.M. Jha, Scientific Assistant. 4. Mr. U.K. Madhad, Scientific Assistant. 5. Kum. L.R. Zala, Scientific Assistant. 6. Mr. B.R. Kochra, Scientific Assistant.
54.	Regional Laboratory, Gujarat Pollution Control Board, I Floor, Bulabhai Chambers, Nehru Bridge Corner,	1. Dilip Chamanlal Dave, Scientific Officer. 2. Mrs. Pushpinder Kaur, Scientific Officer. 3. Indumati M. Pandya, Scientific Assistant.

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(1)	(2)	(3)
	AHMEDABAD-380 009.	4. Varsha Ramanlal Bhatt, Scientific Assistant. 5. Mr. P.K. Gohil, Scientific Assistant. 6. Mr. M.S. Singhala, Scientific Assistant. 7. Mr. Darshana Bharat Patel, Scientific Assistant. 8. Mr. Akshaya Kanubhai Dave, Scientific Assistant. 9. Mr. Yogesh Kantilal Dani, Scientific Assistant. 10. Beena Jaydev Bhatt, Scientific Assistant. 11. Mr. Rajesh Ishwarlal Desai, Scientific Assistant. 12. Mr. Deepak Chunilal Dave, Scientific Assistant.
55.	Madhya Pradesh Pradushan Niwaran Mandal Laboratory, Regional Office, 26-A, Telephone Nagar, Kanadiya Road, INDORE-452 001.	1. Dr. P.C. Sesh, Regional Officer. 2. Dr. Lokendra Trivedi, Chemist. 3. Mrs. Aparna Bapat, Scientist. 4. Mr. Dilip K. Wagela, Chemist.
56.	Madhya Pradesh Pradushan Niwaran Mandal Laboratory, Regional Office, REWA	1. Dr. Santosh Kumar Srivastava, Scientist. 2. Dr. P.S. Sharma, Chemist. 3. Mr. P.R. Deo, Junior Scientist. 4. Mr. Arun Kumar Srivastava, Chemist. 5. Mr. Sunil Dutt Tiwari, Chemist.
57.	West Bengal Pollution Control Board Laboratory, 36, Shakespeare Sarani, II Floor, CALCUTTA-700 017.	1. Mrs. Moly Das Gupta, Analyst. 2. Mrs. Subrata Mandal Analyst. 3. Mrs. Sarbani Deb, Analyst.
58.	Plant Science Ecology Laboratory, Department of Plant Sciences School of Biological Sciences, Madurai Kamraj University, MADURAI-625 021.	1. Dr. Kailash Paliwal, Reader. 2. Mr. K. Muthuchelian, Senior Scientific Officer 3. M.K. Natarajan, Senior Scientific Officer. 4. Mr. K. Karvanaichamy, Junior Scientific Officer. 5. Mr. T.K. Sivaraj, Junior Scientific Officer. 6. Mr. G. Kandasamy, Senior Technician.

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(1)	(2)	(3)
59.	Barauni Refinery Laboratory, Indian Oil Corporation Ltd., PO : Barauni Refinery, Dist. Begusari Pin 851 114	1. Mr. P. Chaudhari, Chemist. 2. Mr. H. Prasad, Senior Chemist. 3. Mr. S.K. Sudhanshu, Chemist. 4. Mr. A.P. Singh, Chemist. 5. Mr. R.N.P. Singh, Chemist.
60.	Chemical Laboratory, Indian Oil Corporation Ltd., Mathura Refinery, MATHURA-281 005.	1. Mr. S.V. Deshmukh, Deputy Manager. 2. Mr. C.B. Pinto, Senior Quality Control Officer. 3. Mr. Shambhu Singh,* Senior Quality Control Officer.
61.	Regional Agricultural Research Station Laboratory, Kumarakom, Kottayam KERALA.	1. Prof K. Chandrasekharan Nair, Professor. 2. Dr. Sosamma Cherian, Assistant Professor.
62.	Soil and Water Research Laboratory, Rural Works Department, PO : Naharlagun-791 110 (Itanagar).	1. Dr. P.C. Srivastava, Senior Soil Survey Officer. 2. Mr. M.K. Chandra, Research Assistant.
63.	Industrial Hygiene Laboratory, Directorate of Industrial Health and Safety, New Moti Bungalow, M.G. Road, INDORE.	Mr. Pratap Singh, Assistant Director.
64.	Punjab Pollution Control Board Laboratory, 17-B, Bhupendra Nagar, PATIALA-147 001	1. Miss Menu Sharma, Assistant Chemist. 2. Mr. Gurnam Singh, Assistant Chemist.
65.	Haffkine Institute for Training and Testing, Acharya Donde Marg, Parel, BOMBAY-400 012.	1. Dr. M.V.N. Shirodkar, Director. 2. Dr. V. Ramakrishna Rao, Assistant Director. 3. Dr. D.M, Renapurkar, Assistant Director. 4. Dr. N.G. Chanderkar, Officer-in-charge, Human Pharmacology. 5. Dr. B.G. Khandse,* Officer-in-charge, Chemotherapy. 6. Dr. S.V. Gadre, Officer-in-charge, Bacteriology. 7. Dr. H.K. Soni, Officer-in-charge, Testing Department. 8. Dr. P. Ramakrishnan, Officer-in-charge, Bio-chemistry.

* On basis of Hindi version.

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(1)	(2)	(3)
		9. Dr. M.G. Phatak, Senior Scientific Officer. 10. Mr. Satish Bhagwan Dholan, Junior Scientific Officer. 11. Mr. Arvind Pandurang Kulkarni Senior Scientific Officer. 12. Dr. R.P. Bhamaria, Senior Scientific Officer. 3. Dr. (Mrs) R.A. Deshmukh, Medical Officer.
66.	Environmental Laboratory Department of Chemistry Punjabi University PATIALA-147 002.	1. Prof. A.L. J. Rao Head 2. Dr. N.K. Ralhan Professor. 3. Prof. Sarvinder Singh Pahil, Reader. 4. Dr. B.S Ahuja Reader. 5. Dr. T.A. Sarma, Reader.
67.	Post Graduate Department of Pollution Studies Laboratory, Y.C. College of Science, KARAD-415 110.	1. Dr. R.K. Trivedy, Head. 2. Mr. Pradip Kumar Goel, Lecturer.''

[101] **Ministry of Finance (Department of Revenue) Central Board of Direct Taxes, Noti. No. S.O. 534(E), dated May 31, 1988, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 31st May, 1988, pp. 2-3** [*No. 7980/F. No. 142/19/88-TPL*] [W]

In exercise of the powers conferred by Section 295 of the **Income-tax Act, 1961** (43 of 1961), the Central Board of Direct, Taxes hereby makes the following rules further to amend the Income-tax Rules, 1962, namely :—

1. (1) These rules may be called the **Income-tax (Second Amendment) Rules, 1988.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Income-tax Rules, 1962, for Rule 11-C, the following rule shall be *substituted*, namely :—

"11-C. *Prescribed fields for the purposes of deduction in respect of remuneration received from foreign employers or Indian concerns under Section 80-RRA.*—For the purposes of clause (*vi*) of Explanation 2 to Section 80-RRA, the prescribed fields shall be,—

(*a*) the profession of Actuaries ;

(*b*) Banking ;

(*c*) Insurance ; and

(*d*) Journalism.''.

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[102] **Ministry of Food and Civil Supplies (Department of Food), Noti. No. G.S.R. 820(E)/Ess Com./Sugar, dated July 29, 1988, published in the Gazette of India, Extra., Part II, Section 3(i), dated 29th July, 1988, pp. 2-3** [*No. 1-14/88-SPY (D-II)*] [W]

In exercise of the powers conferred by Clause 5 of the **Sugar (Control) Order, 1966**, the Central Government hereby directs that every producer of Khandsari (open pan sugar) shall—

(1) declare his opening stocks of khandsari as on the 31st July, 1988 and also the quantity produced in each month thereafter till the 30th September, 1988 to the specified authority;

(2) sell and despatch the stocks as on 31st July, 1988 declared in accordance with the provisions of paragraph (1) together with those produced after the 31st July, 1988 and up to 30th September, 1988, latest by the 31st October, 1988 in the following manner, namely,—

(*i*) not less than 40 per cent of the opening stocks as on the 31st July, 1988, during the month of August, 1988;

(*ii*) not less than 40 per cent of the opening stocks as on the 1st September, 1988, during the month of September, 1988.

(3) furnish particulars of stocks, production, sales and despatches of khandsari for each month latest by the 7th day of the following month to the specified authority:

Provided that the opening stocks of khandsari as on the 31st July, 1988 shall be declared on or before the 5th August, 1988

Explanation.—For the purpose of this Order, "specified authority" means the Collector of the District in which the producer's khandsari unit is located or such other authority as the State Government may specify in this behalf.

2. This order shall come into force at once.

END OF THIS PART

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PART IV

Uttar Pradesh Ordinances and Acts

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THE UTTAR PRADESH CONTINGENCY FUND (AMENDMENT) ORDINANCE, 1987[1]

[U. P. ORDINANCE NO. 12 OF 1987]

(*Promulgated by the Governor in the thirty-eighth year of the Republic of India*)

An Ordinance further to amend the Uttar Pradesh Contingency Fund Act, 1950

Whereas, the State Legislature is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action :

Now therefore, in excercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor is pleased to promulgate the following Ordinance :—

1. **Short title.**—This Ordinance may be called the Uttar Pradesh Contingency Fund (Amendment) Ordinance, 1987.

2. **Amendment of Section 4 of U. P. Act No. XIX of 1950.**—In Section 4 of the Uttar Pradesh Contingency Fund Act, 1950, after sub-section (10), the following sub-section shall be *inserted*, namely :—

"(11) The State Government shall on the commencement of the Uttar Pradesh Contingency Fund (Amendment) Ordinance, 1987 withdraw a further sum of three hundred crores of rupees out of the consolidated Fund of the State and place the same to the credit of the Fund."

NOTES

The existence of necessity for promulgating the Ordinance is not justifiable. The validity of an Ordinance cannot be tested on grounds similar to those on which an executive or judicial action is tested. The propriety, expediency and necessity of a legislative act are for the determination of the legislative authority and are not for determination by the courts. An Ordinance passed either under Article 123 or under Article 213 of the Consititution stands on the same footing. *T. Venkata Reddy* v. *State of A. P.*, (1985) 3 SCC 198. *See also* (1985) 1 SCC 523.

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1. Promulgated by the Governor on October 3, 1987 and published in the U. P. Gazete, Extra., Part 2, Section (ka), dated 6th October, 1987, p. 2.

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THE UTTAR PRADESH URBAN LOCAL SELF-GOVERNMENT LAWS (SECOND AMENDMENT) ORDINANCE, 1987[1]

[U. P. ORDINANCE NO. 13 OF 1987]

(*Promulgated by the Governor in the Thirty-eighth year of the Republic of India*)

An Ordinance further to amend the Uttar Pradesh Municipalities, Notified Areas and Town Areas (Alpakalik Vyavastha) Adhiniyam, 1977 and the Uttar Pradesh Urban Local Self-Government Laws (Third Amendment) Act, 1978.

Whereas, the State Legislature is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor is pleased to promulgate the followIng ordinance:—

1. Short title.—This Ordinance may be called the Uttar Pradesh Urban Local Self-Government Laws (Second Amendment) Ordinance, 1987.

2. Amendment of Section 2 of U. P. Act No. 13 of 1977.—In Section 2 of the Uttar Pardesh Municipalities, Notified Areas and Town Areas (Alpakalik Vyavastha) Adhiniyam, 1977, hereinafter referred to as the principal Act, for the word and figures "December 31, 1987" wherever occurring, the word and figures, "June 30, 1988" shall be *substituted*.

3. Amendment of Section 3.—In Section 3 of the principal Act, for the word and figures "December 31, 1987" the word and figures "June 30, 1988", shall be *substituted*.

4. Amendment of Section 24 of U. P. Act No. 35 of 1978.—In Section 24 of the Uttar Pardesh Urban Local Self-Government Laws (Third Amendment) Act, 1978, for the word and figures "December 31, 1987", the word and figures "June 30, 1988" shall be *substituted*.

NOTES

Legislation by Ordinance.—The power of legislation by Ordinance is as wide as the power of the Legislature. An Ordinance promulgated under Article 213 has the same force and effects as an Act of the Legislature of the State assented to by the Governor except that it must be laid before the Legislative Assembly of the State, and expires after the expiration of 6 weeks or earlier if it is withdrawn by the Governor or disapproved by the Legislature. *State of Punjab v. Satya Pat Dange*, AIR 1969 SC 903 : (1969) 1 SCR 478.

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1. Promulgated by the Governor on December 14, 1987 and published in the U.P. Gazette, Extra., Part 2, Section (ka), dated 14th December, 1987, p. 2.

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THE UTTAR PRADESH CO-OPERATIVE SOCIETIES (AMENDMENT) ORDINANCE, 1987[1]

[U. P. ORDINANCE NO. 14 OF 1987]

[*Promulgated by the Governor in the Thirty-eighth Year of the Republic of India*]

An Ordinance futher to amend the Uttar Pradesh Co-operative Societies Act, 1965

Whereas, the State Legislature is not in session and the Governor is satisfied that circumstances exist, which render it necessary for him to take immediate action ;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor is pleased to promulgate the following Ordinance :—

1. **Short title.**—This Ordinance may be called the Uttar Pradesh Co-operative Societies (Amendment) Ordinance, 1987.

2. **Amendment of Section 29 of U. P. Act No. XI of 1966.**—In Section 29 of the Uttar Pradesh Co-operative Societies Act, 1965, hereinafter referred to as the principal Act, in sub-section (6), in the first proviso, for the word and figures "December 31, 1987" the word and figures "June 30, 1988" shall be *substituted*.

3. **Amendment of Section 35.**— In Section 35 of the principal Act, in sub-section (6) in the proviso, for the word and figures "December 31, 1987" the word and figures "June 30, 1988" shall be *substituted*.

NOTES

Under Article 123 the Ordinances are limited in life and the Ordinance must be laid before Parliament and the life of the Ordinance may be further shortened. The power under Article 123 relates to policy and to an emergency when immediate action is considered necessary and if an objective test is applied the satisfaction of the President contemplated in Article 123 will be shorn of the power of the President himself and as the President will be acting on the advice of Ministers it may lead to disclosure of facts which under Article 75(4) are not to be disclosed. For these reasons it must be held that the satisfaction of the President is subjective.

THE UTTAR PRADESH LOKAYUKTA AND UP-LOKAYUKTAS (AMENDMENT) ORDINANCE, 1988[2]

[U.P. ORDINANCE NO. 1 OF 1988]

(*Promulgated by the Governor in the Thirty-eighth Year of the Republic of India*)

An Ordinance further to amend the Uttar Pradesh Lokayukta and Up-Lokayuktas Act, 1975

Whereas, both Houses of the State Legislature are not in session and

1. Promulgated by the Governor on December 14, 1987 and published in the U. P. Gazette, Extra., Part 2, Section (ka), dated 14th December, 1987, p. 2.
2. Promulgated by the Governor on January 8, 1988 and published in the U.P. Gazette, Extra., Part-2, Section (ka), dated 8th January, 1988, p. 2.

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the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor is pleased to promulgate the following Ordinance:—

1. Short title.—This Ordinance may be called the Uttar Pradesh Lokayukta and Up-Lokayuktas (Amendment) Ordinance, 1988.

2. Amendment of Section 5 of U.P. Act No. 42 of 1975.—In Section 5 of the Uttar Pradesh Lokayukta and Up-Lokayuktas Act, 1975, in sub-section (1), for the words "five years", the words "six years" shall be *substituted*.

NOTES

Legislation by Ordinance.—The power of legislation by Ordinance is as wide as the power of the Legislature. An Ordinance promulgated under Article 213 has the same force and effects as an Act of the Legislature of the State assented to by the Governor except that it must be laid before the Legislative Assembly of the State, and expires after the expiration of 6 weeks or earlier if it is withdrawn by the Governor or disapproved by the Legislature. *State of Punjab* v. *Satya Pal Dange*, AIR 1969 SC 903: (1969) 1 SCR 478.

THE UTTAR PRADESH STATE UNIVERSITIES (AMENDMENT) ORDINANCE, 1988[1]

[U.P. ORDINANCE NO. 3 OF 1988]

(*Promulgated by the Governor in the Thirty-eighth Year of the Republic of India*)

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2.	Amendment of Section 20 of President's Act No. 10 of 1973 as amended and re-enacted by U P. Act No. 29	3.	Amendment of Section 50.
		4.	Certain existing members of the Executive Council to cease.

An Ordinance further to amend the Uttar Pradesh State Universities Act, 1973

Whereas, the State Legislature is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor is pleased to promulgate the following Ordinance:

1. Short title and commencement.—(1) This Ordinance may be called the Uttar Pradesh State Universities (Amendment) Ordinance, 1988.

(2) Section 3 shall be deemed to have come into force on January 1, 1988 and the remaining provisions shall come into force at once.

1. Promulgated by the Governor on January 15, 1988 and published in the U.P. Gazette, Extra., Part-2, Section (ka), dated 15th January, 1988, pp. 2-3.

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2. **Amendment of Section 20 of President's Act No. 10 of 1973 as amended and re-enacted by U.P. Act No. 29 of 1974.**—In Section 20 of the Uttar Pradesh State Universities Act, 1973, hereinafter referred to as the principal Act, in sub-section (1), in clause (*g*), the following proviso shall be *inserted*, namely :

"Provided that one of the persons so nominated shall be a person who is or has been a Judge of the Supreme Court or High Court."

3. **Amendment of Section 50.**—In Section 50 of the principal Act,—

(*a*) in sub-section (1-A), for the word and figures "December 31, 1987" the word and figures "December 31, 1990" shall be *substituted*, and

(*b*) in sub-section (2), for the word and figures "December 31, 1987" the word and figures "December 31, 1990" shall be *substituted*.

4. **Certain existing members of the Executive Council to cease.**—With effect from the commencement of this Ordinance, a person nominated as a member of the Executive Council under clause (*g*) of sub-section (1) of Section 20 of the principal Act before such commencement shall cease to be a member of such Executive Council.

NOTES

The existence of necessity for promulgating the Ordinance is not justiciable. The validity of an Ordinance cannot be tested on grounds similar to those on which an executive or judicial action is tested. The propriety, expediency and necessity of a legislative act are for the determination of the legislative authority and are not for determination by the courts. An Ordinance passed either under Article 123 or under Article 213 of the Constitution stands on the same footing. *T. Venkata Reddy* v. *State of A.P.*, (1985) 3 SCC 198. *See also* (1985) 1 SCC 523.

THE UTTAR PRADESH SUBORDINATE SERVICES SELECTION BOARD ORDINANCE, 1988[1]

[U.P. ORDINANCE NO. 2 OF 1988]

(*Promulgated by Governor in the Thirty-eighth Year of the Republic of India*)

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1. Promulgated by the Governor on January 9, 1988 and published in the U.P. Gazette, Extra., Part-2, Section (ka), dated 9th January, 1988, pp. 7-11.

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An Ordinance to establish a Subordinate Services Selection Board for certain categories of Subordinate Services and for matters connected therewith and incidental thereto.

Whereas, the State Legislature is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor is pleased to promulgate the following Ordinance:

CHAPTER I

Preliminary

1. **Short title and commencement.**—(1) This Ordinance may be called the Uttar Pradesh Subordinate Services Selection Board Ordinance, 1988.

(2) It extends to the whole of Uttar Pradesh.

(3) It shall come into force on such date as may be notified by the State Government in this behalf.

NOTES

When the legislature fixes the date and clearly express the intention that the Act shall come into force from that date, it is immaterial whether the bill after having passed by the both the Houses, receives the assent of the Governor or President, as the case may be, prior to such date or subsequently. In either case, the intention being expressed and manifest, the Act shall come into force on that date. *Guntur Dist. Co. Op. Mkg. Society Ltd.* v. *State of A.P.*, (1967) 20 STC 476 (AP).

In *State of U.P.* v. *Mahavir Prasad*, 1966 ALJ 796: 1969 All WR 316, the date of commencement of the order was not stated. The order gives rise to offences and therefore the figure to give date of commencement of the order must lead to the conclusion that it cannot be deemed to have, come into operation. The order is not a Central Act and hence the provisions of Section 5 of the General Clauses Act, 1897, cannot be invoked.

2. **Applicability.**—(1) The provisions of this Ordinance shall apply in relation to direct recruitment to all Group 'C' posts, including posts in

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the Civil Secretariat as may, from time to time, be specified by the State Government by notification in this behalf:

Provided that the State Government may, by notification, withdraw any post from the purview of the Board.

(2) The Board may, on the request of any authority, Government Company or Corporation owned or controlled by the Government or public institution, with the approval of the State Government, undertake, on such terms and conditions, including fees, as may be agreed upon, to serve the needs of such authority, company, Corporation or institution in regard to matters connected with recruitment to posts thereunder.

3. **Exception**.—Nothing in this Ordinance shall apply to recruitment to any post—

(*a*) in the Secretariat of each House of the State Legislature;

(*b*) under the High Court or the Court subordinate thereto;

(*c*) under the State Public Service Commission;

(*d*) under the Lok Ayukt appointed under the Uttar Pradesh Lok Ayukt and Up-Lok Ayukt Act, 1975;

(*e*) governed by the Police Act, 1861.

4. **Definitions**.—In this Ordinance, unless the context otherwise requires,—

(*a*) "appointing authority" in relation to any service or post means the authority empowered to make appointment to such service or post for the time being;

(*b*) "Board" means the Uttar Pradesh Subordinate Services Selection Board constituted under Section 5 of the Ordinance;

(*c*) "Chairman" means the Chairman of the Board;

(*d*) "Member" means a member of the Board and includes the Chairman;

(*e*) "Secretary" means the Secretary of the Board;

(*f*) "Year of recruitment" means the period of twelve months commencing on the first day of July of a Calendar Year.

NOTES

Mean and include.—Where the word defined is declared to 'mean' so and so, the definition is explanatory and prima facie restrictive. Where the word defined is declared to 'include' so and so, the definition is extensive. Sometimes the definition contains the words 'mean and include' so and so. This inevitably raises a doubt as to interpretation (Craies on Statute Law, 5th edn. at p. 197). It is an established principle of construction that statutory interpretation clauses or definitions should be read subject to qualifications therein expressed. This is so even where the definition is exhaustive. So where the defined word means or includes a certain thing, it may well be otherwise if the subject or context in any part of the statute so requires. Normally definitions are enacted subject to qualification such as 'unless there is anything in the subject or context'. But it is quite unusual to say that a statutory definition does not mean or include what it plainly means or includes, particularly when its application to the various provisions of the Act does not present much difficulty. (*M.P. State Road Transport Corporation* v. *Industrial Court*, AIR 1971 MP 54).

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Chapter II

Establishment of the Board

5. Establishment of the Board.—(1) There shall be established a Board, to be known as the "Uttar Pradesh Subordinate Services Selection Board", with effect from such date as the State Government may, by notification, appoint in this behalf.

(2) The Board shall be a body corporate.

6. Composition of the Board.—(1) The Board shall consist of a Chairman and such other members, not exceeding five, as the State Government may determine from time to time:

Provided that not less than one-half of the members of the Board shall, as far as possible, be persons who on the date of their respective appointments have, for at least ten years, held post or posts under the Central or State Government, not below the rank of Joint Secretary to the State Government or as other post, as may be declared by the State Government to be equivalent thereto.

(2) If the office of the Chairman becomes vacant or if such Chairman is by reason of absence or for any other reason unable to perform the duties of his office, those duties shall, until some person appointed under Section 7 has entered on the duties thereof or, as the case may be, until the Chairman has resumed his duties, be performed by such one member of the Board as the State Government may appoint for the purpose.

7. Appointment of Members.—The Chairman and other members of the Board shall be appointed by the State Government.

8. Power of the State Government to remove the member.—(1) The State Government may, by order, remove from office the Chairman or any other member, as the case may be, if—

(*a*) he is, in the opinion of the State Government, unfit to continue in office by reason of misconduct or infirmity of mind or body, or

(*b*) he is adjudged to be insolvent.

(2) The investigation into the alleged misconduct or infirmity of the Chairman or members, as the case may be, shall be made by a sitting judge of the High Court in accordance with such procedure, as may be prescribed.

(3) If the Chairman or any other member is or becomes in any way concerned or interested in any contract made by or on behalf of the Government or participates in any way in the profit thereof or in any benefit or emolument arising therefrom, he shall, for the purposes of sub-section (1), be deemed to be guilty of misconduct.

(4) The State Government may, by order in writing, suspend any member in respect of whom action under sub-section (1) is contemplated.

9. Prohibition as to holding of other offices by members.—On ceasing to hold office, a member shall be eligible for appointment as Chairman or member of the State Public Service Commission, but not for any other employment under the State Government.

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10. Terms of office and conditions of service of members.—(1) Subject to the provisions of the Ordinance, a member shall hold office for a term of five years from the date he enters upon his office or until he attains the age of 62 years, whichever be earlier.

(2) A member shall be eligible for appointment as Chairman but shall not be eligible for reappointment or continuance in office either as member or Chairman after the period mentioned in sub-section (1).

(3) A member may resign his office by writing under his hand addressed to the State Government but he shall continue in office until his resignation is accepted.

(4) The terms and conditions of service of a member shall be such as may be prescribed so, however, that the terms and conditions of service of a member shall not be varied to his disadvantage during his continuance in office.

11. Power to Associate.—The Board may associate with itself, in such manner and for such purposes as may be determined by regulations made under Section 27, any person whose assistance or advice it may desire to have in carrying out any of the provisions of this Ordinance.

12. Proceedings of the Board not to be invalidated.—No act or proceeding of the Board shall be deemed to be invalid merely on the ground of—

(*a*) any vacancy or defect in the Constitution of the Board;

(*b*) any defect or irregularity in the appointment of a person acting as member thereof; or

(*c*) any defect or irregularity in such act or proceeding not affecting the substance.

13. Staff of the Board.—(1) There shall be a Secretary of the Board who shall be appointed by the State Government, on deputation, for a term of five years and the conditions of his service shall be such as may be prescribed.

(2) The Board may appoint such other employees as it may consider necessary for the efficient performance of its functions under this Ordinance.

(3) The method of recruitment and terms and conditions of service of the employees, referred to in sub-section (2), shall be such as may be laid down by regulations.

14. Authentication of the orders of the Board.—All the decisions and orders of the Board shall be authenticated by the signature of the Secretary or any other officer authorised by the Board in this behalf.

CHAPTER III

Powers and duties of the Board and Allocation of Business

15. Powers and duties.—(1) The Board shall have the following powers and duties namely—

(*a*) to prepare guidelines on matters relating to the method of recruitment;

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(*b*) to conduct examinations, hold interview and make selection of candidates;

(*c*) to select and invite experts and to appoint examiners for the purposes specified in clause (*b*);

(*d*) to fix emoluments and travelling and other allowances of the experts and examiners;

(*e*) to administer the funds placed at the disposal of the Board;

(*f*) to perform such other duties and exercise such other powers as may be prescribed.

(2) In exercising the powers or performing the duties, referred to in sub-section (1), the Board shall be guided by such rules or regulations as may be made in this behalf.

16. Business to be transacted by the Board.—The Board shall, with the previous approval of the State Government make regulations for the convenient transaction of its business, including performance of its functions by the Chairman or other members or a committee thereof and the business transacted in accordance with such regulations shall be deemed to have been transacted by the Board:

Provided that it shall be lawful for the State Government to accord approval to any such regulation either in original or in modified form.

Chapter IV

Notification of Vacancies and Appointments

17. Notification of vacancies.—(1) The appointing authority shall determine and intimate to the Board the number of vacancies to be filled through the Board during the course of the year of recruitment as also the number of the vacancies to be reserved for the candidates belonging to the Scheduled Castes and Scheduled Tribes and other categories in accordance with the orders of the State Government issued from time to time.

(2) The vacancies shall be notified to the Board in such manner as may be prescribed.

18. Selection by the Board.—(1) The Board shall, as soon as possible after the intimation of vacancies under Section 17, hold examination or interview or both and prepare in the manner prescribed a list of the candidates who are found suitable.

(2) The list referred to in sub-section (1) shall be forwarded to the appointing authority and the appointing authority shall make appointments from the list so forwarded to it in the order mentioned therein.

Chapter V

Business before the Board

19. Decision in meeting.—All questions at any meeting of the Board shall be determined by a majority of the members present and voting other than the Chairman and the Chairman or person acting as such shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

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20. Quorum.—The quorum for a meeting of the Board shall be one-half of the total number of members for the time being:

Provided that no quorum shall be necessary for a meeting adjourned for want of quorum.

CHAPTER VI

Fund of the Board, Annual Reports and Accounts

21. Payment to the Board.—The State Government may, after due appropriation made by it in this behalf, pay to the Board in each financial year such sum as may be necessary for the performance of the functions of the Board under this Ordinance.

22. Fund of the Board.—(1) The Board shall have its own fund and all sums paid to it by the State Government and all receipts of the Board shall be credited to the fund and all payments by the Board shall be made therefrom.

(2) All moneys belonging to the Fund shall be deposited in such banks or invested in such manner as may, subject to the approval of the Government, be determined by the Board.

23. Annual reports.—The Board shall prepare every year, in such form and in such manner as may be prescribed, an annual report giving a true and full account of its activities during the previous year, and copies thereof shall be forwarded to the State Government and the State Government, shall cause the same to be laid before both the Houses of the State Legislature.

24. Accounts and Audit.—(1) The Board shall cause to be maintained such books of accounts and other registers or records in such form and in such manner, as the State Government may, by general or special order direct.

(2) The Board shall, as soon as may be after closing its accounts, prepare a statement of accounts in such form as may be prescribed and forward the same to the Accountant General, by such date as the State Government may, in consultation with the Accountant General determine, for audit under Section 14 of the Comptroller ond Auditor General's (Duties, Powers and Conditions of Service) Act, 1971.

(3) The annual accounts of the Board, together with the audit report shall be forwarded to the State Government and the State Government shall cause the same to be laid before both Houses of the State Legislature.

CHAPTER VII

Miscellaneous

25. Power to remove difficulties.—(1) The State Government may, for the purpose of removing difficulty, by a notified order, direct that the provisions of this Ordinance shall, during such period as may be specified in the order, have effect subject to such adaptation, whether by way of modification, addition or omission, as it may deem to be necessary or expedient:

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Provided that no such order shall be made after two years from the date of the commencement of the Ordinance.

(2) Every order made under sub-section (1) shall be laid before both Houses of State Legislature.

(3) No order under sub-section (1) shall be called into question on the ground that no difficulty as is referred to in sub-section (1) existed or required to be removed.

26. Power to make rules.—The State Government may, by notification, make rules for carrying out the purposes of the Ordinance.

27. Power to make regulations.—(1) The Board, may, with the previous approval of the State Government, make or amend regulations relating to the discharge of its functions under the Ordinance including fees for holding examinations or interviews or both for making selection under the Ordinance.

(2) The regulations made under sub-section (1) shall not be inconsistent with the provisions of the Ordinance or the rules made thereunder.

28. Protection of action taken in good faith.—No suit, prosecution or other proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Ordinance.

NOTES

"**Good faith**"—Honest intent free from taint of fraud or fraudulent design is a constant element of the connotation of 'good faith'. Even so, the quality and quantity of the honesty requisite for constituting 'good faith' is conditioned by the context and object of the statute in which this term is employed. *Brijendra Singh* v. *State of U.P.*, (1981) 1 SCC 597 : AIR 1981 SC 636 : (1981) 2 SCR 287.

In order to establish good faith and bona fide it has to be seen first the circumstances under which the letter was written or words were uttered ; secondly, whether there was any malice ; thirdly whether the appellant made any enquiry before he made the allegations ; fourthly, whether there are reasons to accept the version that he acted with care and caution, and finally, whether there is preponderance of probability that the appellant acted in good faith. *Chaman Lal* v. *State of Punjab*, (1970) 1 SCC 590.

"Good faith" requires not, indeed, logical infallibility but due care and attention. But how far erroneous actions of statements are to be imputed to want of due care and caution must, in each case, be considered with reference to the general circumstances and the capacity and intelligence of the person whose conduct is in question. It is only to be expected that honest conclusions of a calm and philosophical mind may differ very largely from the honest conclusions of a person excited by sectarian zeal and untrained to habits of precise reasoning. *Emperor* v. *Abdul Wadood Ahmed*, ILR 31 Bom 293, 298.

29. Ordinance to have overriding effect.—The provisions of this Ordinance shall have effect notwithstanding anything to the contrary contained in any other Act, rules or orders.

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THE UTTAR PRADESH URBAN LOCAL SELF-GOVERNMENT LAWS (SECOND AMENDMENT) ACT, 1987[1]

[U.P. ACT NO. 2 OF 1988]

(*As passed by the U.P. Legislature*)

CONTENTS

Sections

1. Short title and commencement.
2. Amendment of Section 2 of U.P. Act No. 13 of 1977.
3. Amendment of Section 3.
4. Amendment of Section 24 of U.P. Act No. 35 of 1978.
5. Repeal and Saving.

An Act further to amend the Uttar Pradesh Municipalities, Notified Areas and Town Areas (Alpakalik Vyavastha) Adhiniyam, 1977 and the Uttar Pradesh Urban Local Self-Government Laws (Third Amendment) Act, 1978

It is hereby enacted in the Thirty-eighth Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Uttar Pradesh Urban Local Self-Government Laws (Second Amendment) Act, 1987.

(2) It shall be deemed to have come into force on December 14, 1987.

2. Amendment of Section 2 of U.P. Act No. 13 of 1977.—In Section 2 of the Uttar Pradesh Municipalities, Notified Areas and Town Areas (Alpakalik Vyavastha) Adhiniyam, 1977, hereinafter referred to as the principal Act, for the word and figures "December 31, 1987" wherever occurring, the word and figures "June 30, 1988" shall be *substituted*.

3. Amendment of Section 3.—In Section 3 of the principal Act, for the word and figures "December 31, 1987" the word and figures "June 30, 1988", shall be *substituted*.

4. Amendment of Section 24 of U.P. Act No. 35 of 1978.—In Section 24 of the Uttar Pradesh Urban Local Self-Government Laws (Third Amendment) Act, 1978, for the word and figures "December 31, 1987", the word and figures "June 30, 1988" shall be *substituted*.

5. Repeal and Saving.—(1) The Uttar Pradesh Urban Local Self-Government Laws (Second Amendment) Ordinance, 1987 (U.P. Ordinance No. 13 of 1987), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Acts referred to in Sections 2 and 4 as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the said Acts as amended by this Act as if the provisions of this Act were in force at all material times.

NOTES

The repeal of an enactment completely wipes out the law which is the subject-matter

1. Received the assent of the Governor on January 7, 1988 and published in the U.P. Gazette, Extra., Part 1, Section (*ka*), dated 7th January, 1988, pp. 2-3.

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of the repeal. It is to be deemed as having existed only for those actions which were commenced, prosecuted and concluded. Even pending actions cannot continue. *Sylhet Cooperative Central Bank Ltd.* v. *Dhirendra Nath De*, AIR 1958 Bom 507 : 1958 Nag LJ 373.

When an Act is repealed, it is the same thing as if it had never existed except with reference to such parts as are saved by the repealing statute. *Waheed Hasan Khan* v. *State*, AIR 1960 Bom 299.

THE UTTAR PRADESH CO-OPERATIVE SOCIETIES (THIRD AMENDMENT) ACT, 1987[1]

[U.P. Act No. 3 of 1988]

(*As passed by the Uttar Pradesh Legislature*)

CONTENTS

Sections		*Sections*	
1.	Short title and commencement.	3.	Amendment of Section 35.
2.	Amendment of Section 29 of U.P. Act No. XI of 1966.	4.	Repeal and saving.

An Act further to amend the Uttar Pradesh Co-operative Societies Act, 1965

It is hereby enacted in the Thirty-eighth year of the Republic of India :

1. Short title and commencement.—(1) This Act may be called the Uttar Pradesh Co-operative Societies (Third Amendment) Act, 1987.

(2) It shall be deemed to have come into force on December 14, 1987.

2. Amendment of Section 29 of U.P. Act No. XI of 1966.—In Section 29 of the Uttar Pradesh Co-operative Societies Act, 1965, hereinafter referred to as the principal Act, in sub-section (6), in the first proviso, for the word and figures "December 31, 1987" the word and figures "June 30, 1988" shall be *substituted*.

3. Amendment of Section 35.—In Section 35 of the principal Act, in sub-section (6) in the proviso, for the word and figures "December 31, 1987" the word and figures "June 30, 1988" shall be *substituted*.

4. Repeal and saving.—(1) The Uttar Pradesh Co-operative Societies (Amendment) Ordinance, 1987 (U.P. Ordinance No. 14 of 1987), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act, as amended by the Ordinance, referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act, as if the provisions of this Act were in force at all material times.

NOTES

Effect of repeal.—Unless a different intention appears in the repealing Act, any legal proceeding can be instituted and continued in respect of any matter pending under the repealed Act as if that Act was in force at the time of repeal. *T.S. Baliah* v. *T.S. Rangachari*, AIR 1969 SC 701.

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1. Received the assent of the Governor on January 7, 1988 and published in the U.P. Gazette, Extra., Part 1, Section (*ka*), dated 7th January, 1988, p. 2.

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THE UTTAR PRADESH MOTOR VEHICLES TAXATION (AMENDMENT) ORDINANCE, 1988[1]

[U.P. ORDINANCE NO. 4 OF 1988]

(Promulgated by the Governor in the Thirty-ninth Year of the Republic of India)

CONTENTS

Sections		*Sections*	
1.	Short title.	4.	Amendment of Section 6.
2.	Amendment of Section 4 of U.P. Act No. V of 1935.	5.	Amendment of Section 7.
3.	Amendment of Section 5.	6.	Amendment of Section 11.
		7.	Insertion of new Schedule.

An Ordinance further to amend the United Provinces Motor Vehicles Taxation Act, 1935

Whereas the State Legislature is not in session and the Governor is satisfied that circumstances exist, which render it necessary for him to take immediate action ;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor is pleased to promulgate the following Ordinance.

1. **Short title**.—This Ordinance may be called the Uttar Pradesh Motor Vehicles Taxation (Amendment) Ordinance, 1988.

2. **Amendment of Section 4 of U.P. Act No. V of 1935**.—In Section 4 of the United Provinces Motor Vehicles Taxation Act, 1935, hereinafter referred to as the principal Act, in sub-section (1), the following proviso shall be *inserted*, namely :—

"Provided that the owner of a motor vehicle other than a transport vehicle in case such motor vehicle is registered for the first time under the provisions of the Motor Vehicles Act, 1939 in Uttar Pradesh after the commencement of the Uttar Pradesh Motor Vehicles Taxation (Amendment) Ordinance, 1988 shall, and in any other case may in lieu of the tax payable under this sub-section pay a one-time tax at the rate applicable in respect of such motor vehicle, as specified in "Part B" of the Third Schedule and on payment of such one-time tax no tax under this sub-section for any period thereafter shall have to be paid in respect of such vehicle."

3. **Amendment of Section 5**.—In Section 5 of the principal Act :—

(*a*) in sub-section (1) for the words "Subject to the provisions of Sections 6, 8 and 9 the tax payable under Section 4 shall be payable in advance on or before the fifteenth day of January in each year by the owner of a motor vehicle the words" "Subject to the provisions of Section 6, the tax payable under Section 4 shall be payable in advance by the owner of a motor

1. Promulgated by the Governor on February 5, 1988 and published in the U.P. Gazette, Extra., Part 2, Section (*ka*), dated 5th February, 1988, pp. 7-13.

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vehicle at the time of its registration under the Motor Vehicles Act, 1939 and thereafter on or before the fifteenth day of January in each subsequent year", and

(*b*) for sub-section (2) the following sub-section shall be *substituted*, namely :—

"(2) Where the tax in respect of a motor vehicle is not paid within the period specified in sub-section (1), an officer empowered by the State Government in this behalf may, in lieu of prosecution under Section 13 and subject to such general directions, as may be issued by the State Government from time to time, accept from the owner of such motor vehicle compensation, in the case of payment of one-time tax, an amount not exceeding one-half of the amount of such tax payable under this Act, and in any other case, an amount not exceeding the amount of tax payable in a year in respect of the motor vehicle in addition to the tax due therefor. On payment of such compensation, the owner of the motor vehicle, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence so compounded".

NOTES

The question as to whether any tax by a State on motor vehicles, be they merely chassis or otherwise, would run counter to Article 301 of the Constitution, inasmuch as registration of a vehicle in any State under Section 28 of the Motor Vehicles Act is to be effective throughout India, had not been urged in the writ petition could not be examined by the Court on the merits. *Automotive Manufacturers* v. *Government of A.P.*, (1972) 1 SCC 125.

Section 2(18) defines "motor vehicle". The expression "adapted for use upon roads" cannot be construed with the help of English cases where an element of intention is relevant in ascertaining if a vehicle is a motor vehicle. Neither can the dictionaries be relied on for proper interpretation.

The meaning of the word "adapted" in Section 2(18) of the Act is itself indicated in Entry 57 of List II of the Seventh Schedule to the Constitution, which confers a power on the State to tax vehicles whether propelled mechanically or not and uses the word "suitable" in relation to its use on the roads. The words "adapted for use" must therefore be construed as "suitable for use". At any rate, words "adapted for use" cannot be larger in their import by including vehicles which are not "suitable for use" on roads. In this sense, the words "is adapted" for use have the same connotation as "is suitable" or "is fit" for use on the roads.

The word "vehicle" itself connotes that it is a contrivance which moves. A vehicle which merely moves from one place to another need not necessarily be a motor vehicle within the meaning of Section 2(18) of the Act. Road in Section 2(18) means a public road. *Bolani Ores Ltd.* v. *State of Orissa*, (1974) 2 SCC 777.

4. Amendment of Section 6.—In Section 6 of the principal Act, after the words "a calendar year" the words "and where one-time-tax has not been paid" shall be *inserted*.

5. Amendment of Section 7.—The existing Section 7 of the principal Act shall be renumbered as sub-section (1) thereof, and—

(*a*) in sub-section (1) as so-renumbered, after the words "the tax or instalment of tax", the words "other than the one-time tax" shall be *inserted*;

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(*b*) after sub-section (1) as so re-numbered, the following sub-section shall be *inserted*, namely :—

"(2) Where the owner of a motor vehicle other than a transport vehicle, in respect of which-one-time tax has been paid under the Act, proves to the satisfaction of the Taxation Officer in the prescribed manner that such motor vehicle has not been used for a continuous period of not less than one month, he shall be entitled to a refund of such tax at the rates specified in 'Part C' of the Third Schedule for the said period :

Provided that no such refund shall be admissible, unless the registration certificate and the token issued in respect of the vehicle are deposited by the owner with the Taxation Officer :

Provided further that the total amount of refund under this sub-section shall not be more than the one-time tax paid under the Act.

(3) In calculating the amount of refund under sub-section (2) any portion of the said period being less than a month, shall be ignored.

(4) The owner of a motor vehicle other than a transport vehicle, in respect of which one-time tax has been paid under the Act shall be entitled to refund of such tax at the rates specified in 'Part D' of the Third Schedule on the ground that he has, after payment of such tax paid tax in respect of such vehicle under any enactment relating to a tax on motor vehicles in any other State or Union Territory as a consequence of such vehicle having been brought over permanently to such State or Union Territory or that such motor vehicle has been converted into a transport vehicle or that the registration of such motor vehicle has been cancelled.

(5) Where the owner of a motor vehicle other than a transport vehicle which has been registered under the Motor Vehicles Act, 1939 before the commencement of the Uttar Pradesh Motor Vehicles Taxation (Amendment) Ordinance, 1988 opts to pay one-time tax he shall while making payment of one-time tax be entitled to adjustment of any advance tax paid by him in respect of such vehicle for any part of the year 1988 or of any subsequent year, provided he pays such one-time tax within two months from the commencement of the said Ordinance."

6. **Amendment of Section 11.**—The existing Section 11 of the principal Act shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered the following sub-section shall be *inserted*, namely :—

"(2) Where any motor vehicle other than a transport vehicle in respect of which one-time tax has been paid is operated as a transport vehicle the owner thereof shall be liable to pay the tax payable under the Act on such transport vehicle".

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7. Insertion of new Schedule.—After the Second Schedule to the principal Act the following Schedule shall be *inserted*, namely :

"THE THIRD SCHEDULE"

PART 'A'

Vehicles

Classification of vehicles other than transport vehicles

Article	Description of vehicle
I	Motor cycles (including scooters and mopeds) not exceeding 500 kilograms in weight, unladen :—
	(1) Vehicles not exceeding 80 kilograms in weight, unladen :
	(2) Vehicles exceeding 80 kilograms in weight, unladen :
II	(1) Vehicles constructed and used solely for the conveyance of persons and light personal luggage with seating accommodation for not more than six persons exclusive of the driver :
	(2) Trailers drawn by vehicles covered by this Article :
III	Vehicles including motor cycles weighing more than 500 kilograms in weight, unladen, constructed or adapted for use for the conveyance of more than six persons (exclusive of driver) :
	(1) (*a*) not exceeding 2,000 kilograms in weight, unladen ;
	(*b*) exceeding 2,000 kilograms but not exceeding 3,000 kilograms in weight, unladen ;
	(*c*) exceeding 3,000 kilograms but not exceeding 4,000 kilograms in weight, unladen ;
	(*d*) exceeding 4,000 kilograms but not exceeding 5,000 kilograms in weight, unladen ;
	(*e*) exceeding 5,000 kilograms in weight, unladen.
	(2) Trailers drawn by vehicles covered by this Article.

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PART 'B'

[*See* Section 4(1)]

Rates of tax vehicles other than transport vehicles [*See Section 4(1)*]

Sl. No.	Vehicles according to the Articles of Part 'A'	Rate of tax in Rupees											
		Registered on or after 1-1-88	Registered in the year 1987	Registered in the year 1986	Registered in the year 1985	Registered in the year 1984	Registered in the year 1983	Registered in the year 1982	Registered in the year 1981	Registered in the year 1980	Registered in the year 1979	Registered in the year 1978	Registered in the year 1977 or prior thereto
1	2	3	4	5	6	7	8	9	10	11	12	13	14
1	I(1)	350.00	280.00	210.00	140.00	70.00	70.00	70.00	70.00	70.00	70.00	70.00	70.00
2	I(2)	750.00	675.00	600.00	525.00	450.00	375.00	300.00	225.00	150.00	75.00	75.00	75.00
3	II(1)	2500.00	2295.00	2090.00	1885.00	1680.00	1475.00	1270.00	1065.00	860.00	655.00	450.00	425.00
4	II(2)	500.00	460.00	420.00	380.00	340.00	300.00	260.00	220.00	180.00	140.00	100.00	60.00
5	III(1)(*a*)	4800.00	4400.00	4000.00	3600.00	3200.00	2800.00	2400.00	2000.00	1600.00	1200.00	800.00	400.00
6	III(1)(*b*)	6800.00	6240.00	5680.00	5120.00	4560.00	4000.00	3440.00	2880.00	2320.00	1760.00	1200.00	640.00
7	III(1)(*c*)	9400.00	8620.00	7840.00	7060.00	6280.00	5500.00	4720.00	3940.00	3160.00	2380.00	1600.00	820.00
8	III(1)(*d*)	11000.00	10090.00	9180.00	8270.00	7360.00	6450.00	5540.00	4630.00	3720.00	2810.00	1900.00	990.00
9	III(1)(*e*)	11000.00 plus 4400.00 for every 1000 kilograms or part thereof in excess of 5000 kilograms	10090.00 plus 4040.00 for every 1000 kilograms or part thereof in excess of 5000 kilograms	9180.00 plus 3680.00 for every 1000 kilograms or part thereof in excess of 5000 kilograms	8270.00 plus 3320.00 for every 1000 kilograms or part thereof in excess of 5000 kilograms	7360.00 plus 2960.00 for every 1000 kilograms or part thereof in excess of 5000 kilograms	6450.00 plus 2600.00 for every 1000 kilograms or part thereof in excess of 5000 kilograms	5540.00 plus 2240.00 for every 1000 kilograms or part thereof in excess of 5000 kilograms	4630.00 plus 1860.00 for every 1000 kilograms or part thereof in excess of 5000 kilograms	3720.00 plus 1520.00 for every 1000 kilograms or part thereof in excess of 5000 kilograms	2810.00 plus 1160.00 for every 1000 kilograms or part thereof in excess of 5000 kilograms	1900.00 plus 800.00 for every 1000 kilograms or part thereof in excess of 5000 kilograms	990.00 plus 440.00 for every 1000 kilograms or part thereof in excess of 5000 kilograms
10	III(2)	1000.00	920.00	840.00	760.00	680.00	600.00	520.00	440.00	360.00	280.00	200.00	120.00

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Provided that the rate of tax in respect of all owners of motor vehicles shall be double of the rates specified against Articles I, II and III of this Part, except in respect of the following classes of owners, namely:—

(*a*) an individual;

(*b*) a Municipal Board, Nagar Mahapalika, Zila Parishad, Notified Area Committee, Town Area Committee or Kshetra Samiti;

(*c*) University established by or under any law;

(*d*) any recognised educational institution;

(*e*) any public charitable trust;

(*f*) any other class of persons using motor vehicles for public purposes specified by the State Government in this behalf by notifications.

PART 'C'

[*See* Section 7(2)]

Rates of refund of tax where vehicle is not in use

Serial No.	Vehicles according to the Articles of Part-A	Amount to be refunded for each month of non-use of the motor vehicle (in rupees)
1	2	3
1	I(1)	2.00
2	I(2)	3.00
3	II(1)	10.00
4	II(2)	2.00
5	III(1)(*a*)	20.00
6	III(1)(*b*)	28.00
7	III(1)(*c*)	39.00
8	III(1)(*d*)	46.00
9	III(1)(*e*)	46.00 plus 18.00 for every 1,000 kilograms or part thereof in excess of 5,000 kilograms.
10	III(2)	4.00

Provided that the rates of refund in respect of all owners of vehicles except those given under clauses (*a*) to (*f*) of the proviso to PART 'B' shall be double of the rates specified above.

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PART 'D'

[*See* Section 7(3)]

Rates of Refund

Sl. No.	Vehicles according to the Articles of Part 'A'	Amount to be refunded (in rupees) in case the age of the vehicles from the month of its original registration is—										
		Not more than one year	More than one year but not more than two years	More than two years but not more than three years	More than three years but not more than four years	More than four years but not more than five years	More than five years but not more than six years	More than six years but not more than seven years	More than seven years but not more than eight years	More than eighth years but not more than nine years	More than nine years but not more than ten years	More than ten years but not more than eleven years
1	2	3	4	5	6	7	8	9	10	11	12	13
1	I(1)	210.00	140.00	70.00	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.
2	I(2)	600.00	525.00	450.00	375.00	300.00	225.00	150.00	75.00	Nil.	Nil.	Nil.
3	II(1)	2090.00	1885.00	1680.00	1475.00	1270.00	1065.00	860.00	655.00	450.00	245.00	Nil.
4	II(2)	420.00	380.00	340.00	300.00	260.00	220.00	180.00	140.00	100.00	60.00	Nil.
5	III(1)(*a*)	4000.00	3600.00	3200.00	2800.00	2400.00	2000.00	1600.00	1200.00	800.00	400.00	Nil.
6	III(1)(*b*)	5680.00	5120.00	4560.00	4000.00	3440.00	2880.00	2320.00	1760.00	1200.00	640.00	Nil.
7	III(1)(*c*)	7840.00	7060.00	6280.00	5500.00	4720.00	3940.00	3160.00	2380.00	1600.00	820.00	Nil.
8	III(1)(*d*)	9180.00	8270.00	7360.00	6450.00	5540.00	4630.00	3720.00	2810.00	1900.00	990.00	Nil.
9	III(1)(*e*)	9180.00 plus 3680.00 for every 1000 kilo-grams	8270.00 plus 3320.00 for every 1000 kilo-grams	7360.00 plus 2960.00 for every 1000 kilo-grams	6450.00 plus 2600.00 for every 1000 kilo-grams	5540.00 plus 2240.00 for every 1000 kilo-grams	4630.00 plus 1880.00 for every 1000 kilo grams	3720.00 plus 1520.00 for every 1000 kilo-grams	2810.00 plus 1160.00 for every 1000 kilo-grams	1900.00 plus 800.00 for every 1000 kilo-grams	990.00 plus 440.00 for every 1000 kilo grams	Nil.

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1	2	3	4	5	6	7	8	9	10	11	12	13
		or part thereof in excess of 5000 kio-grams	or part thereof in excess of 5000 kilo-grams	or part thereof in excess of 5000 kio-grams	or part thereof in excess of 5000 kilo-grams	or part thereof in excess of 5000 kilo-grams	or part thereof in excess of 5000 kilo-grams	or part thereof in excess of 5000 kilo-grams	or part thereof in excess of 5000 kilo-grams	or part thereof in excess of 5000 kilo-grams	or part thereof in excess of 5000 kilo-grams	
10	III(2)	840.00	760.00	680.00	600.00	520.00	440.00	360.00	280.00	200.00	120.00	Nil.

Note.—The rates of refund will be double of the amounts shown above in respect of all vehicles except those owned by—

(*a*) an individual;
(*b*) a Municipal Board, Nagar Mahapalika, Zila Parishad, Notified Area Committee, Town Area Committee or Kshetra Samiti;
(*c*) a University established by or under any law;
(*d*) any recognised educational institution;
(*e*) any public charitable trust;
(*f*) any other class of persons using motor vehicles for public purposes specified by the State Government in this behalf by notification.

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THE UTTAR PRADESH ZILA PARISHADS (ALPAKALIK VYAWASTHA) (SANSHODHAN) ADHINIYAM, 1988[1]

[U. P. Act No. 6 of 1988]

(*As passed by the Uttar Pradesh Legislature*)

An Act further to amend the Uttar Pradesh Zila Parishads (Alpakalik Vyawastha) Adhiniyam, 1977

It is hereby enacted in the Thirty-ninth Year of the Republic of India as follows :—

1. **Short title.**—This Act may be called the Uttar Pradesh Zila Parishads (Alpakalik Vyawastha) (Sanshodhan) Adhiniyam, 1988.

NOTES

Commencement of Act.—There are two ways of the laws coming into operation. One way that in the law itself it is laid down that it shall come into force on a particular day. If that is not provided in the Act, then the Act comes into operation on the date of assent. *Chandrasekhar Singh* v. *State of Orissa*, (1967) 33 Cut LT 263.

2. **Amendment of Section 2 of U. P. Act No. 15 of 1977.**—In Section 2 of the Uttar Pradesh Zila Parishads (Alpakalik Vyawastha) Adhiniyam, 1977, in sub-section (1), for the words and figures "31st day of March, 1988" the words and figures "30th day of September, 1988" shall be *substituted*.

THE UTTAR PRADESH SUBORDINATE SERVICES SELECTION BOARD ACT, 1988[2]

[U. P. Act No. 7 of 1988]

(*As passed by the U. P. Legislature*)

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17. Notification of vacancies.

1. Received the assent of the Governor on March 31, 1988 and published in the U. P. Gazette, Extra., Part-1, Section (ka), dated 31st March, 1988.
2. Received the assent of the Governor on March 31, 1988 and published in the U. P. Gazette, Extra., Part 1, Section (ka), dated 31st March, 1988, pp. 6-11. [P]

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An Act to establish a Subordinate Services Board for certain categories of subordinate services and for matters connected therewith and incidental thereto

It is hereby enacted in the Thirty-ninth Year of the Republic of India as follows :—

CHAPTER I

Preliminary

1. **Short title, extent and commencement.**—(1) This Act may be called the Uttar Pradesh Subordinate Services Selection Board Act, 1988.

(2) It extends to the whole of Uttar Pradesh.

(3) It shall be deemed to have come into force on February 15, 1988.

2. **Applicability.**—(1) The provisions of this Act shall apply in relation to direct recruitment to all such group 'C' posts, including posts in the Civil Secretariat as may, from time to time, be specified by the State Government by notification in this behalf:

Provided that the State Government may, by notification, withdraw any post from the purview of the Board.

(2) The Board may, on the request of any authority, Government Company or Corporation, owned or controlled by the Government or public institution, and with the approval of the State Government, undertake, on such terms and conditions including fees, as may be agreed upon, to serve the needs of such authority, company, corporation or institution in regard to matters connected with recruitment to posts thereunder.

3. **Exception.**—Nothing in this Act shall apply to recruitment to any post—

(*a*) in the Secretariat of each House of the State Legislature;

(*b*) under the High Court or the Court subordinate thereto;

(*c*) under the State Public Service Commission;

(*d*) under the Lok Ayukta appointed under the Uttar Pradesh Lok-Ayukta and Up-Lok Ayuktas Act, 1975;

(*e*) governed by the Police Act, 1861.

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4. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "appointing authority" in relation to any service or post means the authority empowered to make appointment to such service or post for the time being;

(*b*) "Board" means the Uttar Pradesh Subordinate Services Selection Board constituted under Section 5 of this Act;

(*c*) "Chairman" means the Chairman of the Board;

(*d*) "Member" means a member of the Board and includes the Chairman;

(*e*) "Secretary" means the Secretary of the Board;

(*f*) "year of recruitment" means the period of twelve months commencing on the first day of July of a Calendar year.

NOTES

Mean and include.—Where the word defined is declared to 'mean' so and so, the definition is explanatory and prima facie restrictive. Where the word defined is declared to 'include' so and so, the definition is extensive. Sometimes the definition contains the words 'mean and include' so and so. This inevitably raises a doubt as to interpretation (Craies on Statute Law, 5th edn. at p. 197). It is an established principle of construction that statutory interpretation clauses or definitions should be read subject to qualifications therein expressed. This is so even where the definition is exhaustive. So where the defined word means or includes a certain thing, it may well be otherwise if the subject or context in any part of the statute so requires. Normally definitions are enacted subject to qualification such as 'unless there is anything in the subject or context'. But it is quite unusual to say that a statutory definition does not mean or include what it plainly means or includes, particularly when its application to the various provisions of the Act does not present much difficulty. (*M. P. State Road Transport Corporation* v. *Industrial Court*, AIR 1971 MP 54).

CHAPTER II

Establishment of the Board

5. Establishment of the Board.—(1) There shall be established a Board, to be known as the "Uttar Pradesh Subordinate Services Selection Board", with effect from such date as the State Government may, by notification, appoint in this behalf.

(2) The Board shall be a body corporate.

6. Composition of the Board.—The Board shall consist of a Chairman and such other members, not exceeding five, as the State Government may determine from time to time:

Provided that not less than one-half of the members of the Board shall, as far as possible, be persons who on the date of their respective appointments have, for at least ten years, held post or posts under the Central or State Government, not below the rank of Joint Secretary to the State Government or such other post, as may be declared by the State Government to be equivalent thereto.

(2) If the office of the Chairman becomes vacant or if such Chairman is by reason of absence or for any other reason unable to perform the duties of his office, those duties shall, until some person appointed under Section 7 has

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assumed office or, as the case may be, until the Chairman has resumed his duties, be performed by such one member of the Board as the State Government may appoint for the purpose.

7. Appointment of Members.—The Chairman and other members of the Board shall be appointed by the State Government.

8. Power of the State Government to remove the member.—(1) The State Government may, by order, remove from office the Chairman or any other member, as the case may be, if—

(*a*) he is, in the opinion of the State Government, unfit to continue in office by reason of misconduct or infirmity of mind or body, or

(*b*) he is adjudged to be insolvent.

(2) The investigation into the alleged misconduct or infirmity of the Chairman or members, as the case may be, shall be made by a sitting Judge of the High Court in accordance with such procedure, as may be prescribed.

(3) If the Chairman or any other member is or becomes in any way concerned or interested in any contract made by or on behalf of the Government or participates in any way in the profit thereof or in any benefit or emolument arising therefrom, he shall, for the purposes of sub-section (1), be deemed to be guilty of misconduct.

(4) The State Government may, by order in writing suspend any member in respect of whom action under sub-section (1) is contemplated.

9. Prohibition as to holding of other offices by members.—On ceasing to hold office, a member shall be eligible for appointment as Chairman or member of the State Public Service Commission, but not for any other employment under the State Government.

10. Terms of office and conditions of service of members.—(1) Subject to the provisions of this Act, a member shall hold office for a term of five years from the date he enters upon his office or until he attains the age of 62 years, whichever be earlier.

(2) A member shall be eligible for appointment as Chairman but shall not be eligible for re-appointment or continuance in office either as member or Chairman after the period mentioned in sub-section (1).

(3) A member may resign his office by writing under his hand addressed to the State Government but he shall continue in office until his resignation is accepted.

(4) The terms and conditions of service of a member shall be such as may be prescribed so, however, that the terms and conditions of service of a member shall not be varied to his disadvantage during his continuance in office.

11. Power to associate.—The Board may associate with itself, in such manner and for such purposes as may be determined by regulations made under Section 27, any person whose assistance or advice it may desire to have in carrying out any of the provisions of this Act.

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12 Proceedings of the Board not to be invalidated.—No act or proceeding of the Board shall be deemed to be invalid merely on the ground of—

(*a*) any vacancy or defect in the constitution of the Board ;

(*b*) any defect or irregularity in the appointment of a person acting as member thereof ; or

(*c*) any defect or irregularity in such act or proceeding not affecting the substance.

13. Staff of the Board.—(1) There shall be a Secretary of the Board who shall be appointed by the State Government, on deputation, for a term of five years and the conditions of his service shall be such as may be prescribed.

(2) The Board may appoint such other employees as it may consider necessary for the efficient performance of its functions under this Act.

(3) The method of recruitment and terms and conditions of service of the employees, referred to in sub-section (2), shall be such as may be laid down by regulations.

14. Authentication of the orders of the Board.—All the decisions and orders of the Board shall be authenticated by the signature of the Secretary or any other officer authorised by the Board in this behalf.

CHAPTER III

Powers and Duties of the Board and Allocation of Business

15. Powers and duties.—(1) The Board shall have the following powers and duties, namely—

(*a*) to prepare guidelines on matters relating to the method of recruitment ;

(*b*) to conduct examinations, hold interview and make selection of candidates ;

(*c*) to select and invite experts and to appoint examiners for the purposes specified in clause (*b*) ;

(*d*) to fix emoluments and travelling and other allowances of the experts and examiners ;

(*e*) to administer the funds placed at the disposal of the Board ;

(*f*) to perform such other duties and exercise such other powers as may be prescribed.

(2) In exercising the powers or performing the duties, referred to in sub-section (1), the Board shall be guided by such rules or regulations as may be made in this behalf.

16. Business to be transacted by the Board.—The Board shall, with the previous approval of the State Government make regulations for the convenient transaction of its business, including performance of its functions by the Chairman or other members or a committee thereof and the business

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transacted in accordance with such regulations shall be deemed to have been transacted by the Board :

Provided that it shall be lawful for the State Government to accord approval to any such regulation either in original or in modified form.

Chapter IV

Notification of Vacancies and Appointments

17. Notification of vacancies.– (1) The appointing authority shall determine and intimate to the Board the number of vacancies to be filled through the Board during the course of the year of recruitment as also the number of the vacancies to be reserved for the candidates belonging to the Scheduled Castes and Scheduled Tribes and other categories in accordance with the orders of the State Government issued from time to time.

(2) The vacancies shall be notified to the Board in such manner as may be prescribed.

18. Selection by the Board —(1) The Board shall, as soon as possible after the intimation of vacancies under Section 17, hold examination or interview or both and prepare in the manner prescribed a list of the candidates who are found suitable.

(2) The list referred to in sub-section (1) shall be forwarded to the appointing authority and the appointing authority shall make appointments from the list so forwarded to it in the order mentioned therein.

Chapter V

Business Before the Board

19. Decision in meeting.—All questions at any meeting of the Board shall be determined by a majority of the members, other than the Chairman present and voting and the Chairman or person acting as such shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

20. Quorum.—The quorum for a meeting of the Board shall be one-half of the total number of members for the time being :

Provided that no quorum shall be necessary for a meeting adjourned for want of quorum.

Chapter VI

Fund of the Board, Annual Reports and Accounts

21. Payment to the Board.—The State Government may, after the appropriation made by it in this behalf, pay to the Board in each financial year such sum as may be necessary for the performance of the functions of the Board under this Act.

22. Fund of the Board.—(1) The Board shall have its own fund and all sums paid to it by the State Government and all receipts of the Board shall be credited to the fund and all payments by the Board shall be made therefrom.

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(2) All moneys belonging to the Fund shall be deposited in such Banks or invested in such manner as may, subject to the approval of the Government, be determined by the Board.

23. Annual reports.—The Board shall prepare every year, in such form and in such manner as may be prescribed, an annual report giving a true and full account of its activities during the previous year, and copies thereof shall be forwarded to the State Government and the State Government, shall cause the same to be laid before both the Houses of the State Legislature.

24. Accounts and Audit.—(1) The Board shall cause to be maintained such books of accounts and other registers or records in such form and in such manner, as the State Government may, by general or special order direct.

(2) The Board shall, as soon as may be after closing its accounts, prepare a statement of accounts in such form as may be prescribed and forward the same to the Accountant General, by such date as the State Government may, in consultation with the Accountant General determine, for audit under Section 14 of the Comptroller and Auditor General's (Duties, Powers and Conditions of Service) Act, 1971.

(3) The annual accounts of the Board, together with the audit report shall be forwarded to the State Government and the State Government shall cause the same to be laid before both Houses of the State Legislature.

CHAPTER VII

Miscellaneous

25. Power to remove difficulties.—(1) The State Government may, for the purpose of removing difficulty, by a notified order, direct that the provisions of this Act shall, during such period as may be specified in the order, have effect subject to such adaptation, whether by way of modification, addition or omission, as it may deem to be necessary or expedient :

Provided that no such order shall be made after two years from the date of the commencement of the Act.

(2) Every order made under sub-section (1) shall be laid before both Houses of State Legislature.

(3) No order under sub-section (1) shall be called into question on the ground that no difficulty as is referred to in sub-section (1) existed or required to be removed.

26. Power to make rules.—The State Government may, by notification, make rules for carrying out the purposes of the Act.

27. Power to make regulations.—(1) The Board may, with the previous approval of the State Government, make or amend regulations relating to the discharge of its functions under the Act including charging of fees for holding examinations or interviews or both for making selection under the Act.

(2) The regulations made under sub-section (1) shall not be inconsistent with the provisions of the Act or the rules made thereunder.

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28. Protection of action taken in good faith.—No suit, prosecution or other proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

NOTES

"Good faith.—Honest intent free from taint of fraud or fraudulent design is a constant element of the connotation of 'good faith'. Even so, the quality and quantity of the honesty requisite for constituting 'good faith' is conditioned by the context and object of the statute in which this term is employed. *Brijendra Singh* v. *State of U. P.*, (1981) 1 SCC 597: AIR 1981 SC 636: (1981) 2 SCR 287.

In order to establish good faith and bona fide it has to be seen first the circumstances under which the letter was written or words were uttered; secondly, whether there was any malice; thirdly whether the appellant made any enquiry before he made the allegations; fourthly, whether there are reasons to accept the version that he acted with care and caution, and finally, whether there is preponderance of probability that the appellant acted in good faith. *Chaman Lal* v. *State of Punjab*, (1970) 1 SCC 590.

"Good faith" requires not, indeed, logical infallibility but due care and attention. But how far erroneous actions of statements are to be imputed to want of due care and caution must, in each case, be considered with reference to the general circumstances and the capacity and intelligence of the person whose conduct is in question. It is only to be expected that honest conclusions of a calm and philosophical mind may differ very largely from the honest conclusions of a person excited by sectarian zeal and untrained to habits of precise reasoning. *Emperor* v. *Abdul Wadood Ahmed*, ILR 31 Bom 293, 298.

29. Act to have overriding effect.—The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other Act, rules or orders.

30. Repeal and saving.—(1) The Uttar Pradesh Subordinate Services Selection Board Ordinance, 1988 (U. P. Ordinance No. 2 of 1988), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of this Act as if the provisions of this Act were in force at all material times.

THE UTTAR PRADESH LOKAYUKTA AND UP-LOKAYUKTAS (AMENDMENT) ACT, 1988[1]

[U. P. Act No. 8 of 1988]

(*As passed by the U. P. Legislature*)

CONTENTS

Sections

1. Short title and commencement.
2. Amendment of Section 5 of U. P. Act No. 42 of 1975.

Sections

3. Substitution of Second Schedule.
THE SECOND SCHEDULE
4. Repeal and saving.

An Act further to amend the Uttar Pradesh Lokayukta and Up-Lokayuktas Act, 1975

It is hereby enacted in the Thirty-ninth year of the Republic of India as follows:

1. Received the assent of the Governor on April 4, 1988 and published in the U. P. Gazette, Extra., Part 1, Section (ka), dated 4th April, 1988, p. 3.

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Prefatory Note—Statement of Objects and Reasons.—Sub-section (1) of Section 5 of the Uttar Pradesh Lokayukta and Up-Lokayuktas Act, 1975 (U.P. Act No. 42 of 1975) provides that every person appointed as the Lokayukta or Up-Lokayukta shall hold office for a term of five years from the date on which he enters upon his office. It was considered expedient that the term of office of the Lokayukta or Up-Lokayukta should be six years instead of five years like that of the Chairman and the members of the State Public Service Commission by suitably amending the aforesaid Act.

Since the State Legislature was not in session and immediate legislative action in the matter was necessary, the Uttar Pradesh Lokayukta and Up-Lokayuktas (Amendment) Ordinance, 1988 (U.P. Ordinance No. 1 of 1988) was promulgated by the Governor on January 8, 1988.

Under the provisions of the said Act the salary of Lokayukta was kept at Rs. 4,000 which was at par with that of a Judge of the Supreme Court or the Chief Justice of a High Court, in case the person appointed as Lokayukta retired as, or immediately before his appointment as Lokayukta held the post of Chief Justice of a High Court or Judge of the Supreme and in any other case Rs. 3,500. Similarly the salary of an Up-Lokayukta was kept at Rs. 3,500 which was at par with that of a Judge of a High Court, in case the person appointed as Up-Lokayukta retired as, or immediately before his appointment as Up-Lokayukta held the post of a Judge of a High Court and in any other case Rs. 3,000. Since the salaries of the Judges of the Supreme Court and the Chief Justices and Judges of the HighCourts have been revised with effect from April 1, 1986, it has also been considered necessary to revise the salaries of Lokayukta and Up-Lokayukta with effect from the said date.

The Uttar Pradesh Lokayukta and Up-Lokayuktas (Amendment) Bill, 1988 is introduced accordingly.

1. Short title and commencement.—(1) This Act may be called the Uttar Pradesh Lokayukta and Up-Lokayuktas (Amendment) Act, 1988.

(2) Section 2 shall be deemed to have come into force on January 8, 1988, Section 3 shall be deemed to have come into force on April 1, 1986 and the remaining provisions shall come into force at once.

2. Amendment of Section 5 of U. P. Act No. 42 of 1975.—In Section 5 of the Uttar Pradesh Lokayukta and Up-Lokayuktas Act, 1975, hereinafter referrred to as the principal Act, in sub-section (1) for the words "five years" the words "six years" shall be *substituted*.

3. Substitution of Second Schedule.—For the Second Schedule to the principal Act, the following Schedule shall be *substituted*, namely :—

"The Second Schedule

[*See* Section 5(4)]

There shall be paid to the Lokayukta and the Up-Lokayukta in respect of time spent on actual service, salary at the following rates per mensem, that is to say :

Lokayukta.—In case he has been a Judge of the Supreme Court or Chief Justice of a High Court or a Judge of a High Court, the salary respectively admissible from time to time to a Judge of the Supreme Court or Chief Justice of a High Court or Judge of a High Court.

Up-Lokayukta.—In case he has been a Judge of a High Court, the salary admissible from time to time to a Judge of a High Court and in any other case, the salary admissible from time to time to an Additional Secretary of the Government of India :

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Provided that if the Lokayukta or an Up-Lokayukta at the time of his appointment is in receipt of a pension (other than a disability or wound pension) in respect of any previous service under the Government of India or any of its predecessor Governments or under the Government of a State or any of its predecessor Government, his salary in respect of service as the Lokayukta or, as the case may be, Up-Lokayukta shall be reduced—

(*a*) by the amount of that pension, and

(*b*) if he has, before such appointment, received in lieu of a portion of the pension due to him in respect of such previous service the commuted value thereof, by the amount of that portion of the pension, and

(*c*) if he has before such appointment, received a retirement gratuity in respect of such previous service by the pension equivalent of that gratuity".

4. Repeal and saving.—(1) The Uttar Pradesh Lokayukta and Up-Lokayuktas (Amendment) Ordinance, 1988 (U.P. Ordinance No. 1 of 1988), is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

NOTES

The repeal of an enactment completely wipes out the law which is the subject-matter of the reapeal. It is to be deemed as having existed only for those actions which were commenced, prosecuted and concluded. Even pending actions cannot continue. *Sylhet Cooperative Central Bank Ltd.* v. *Dhirendra Nath De*, AIR 1958 Bom 507 : 1958 Nag LJ 373.

When an Act is repealed, it is the same thing as if it had never existed except with reference to such parts as are saved by the repealing statute. *Waheet Hasan Khan* v. *State*, AIR 1960 Bom 299.

THE UTTAR PRADESH STATE UNIVERSITIES (AMENDMENT) ACT, 1988[1]

[U. P. Act No. 9 of 1988]

(*As passed by the U. P. Legislature*)

CONTENTS

Sections

1. Short title and commencement.
2. Amendment of Section 20 of President's Act No. 10 of 1973 as amended and re-enacted by U. P. Act No. 29 of 1974.

Sections

3. Amendment of Section 50.
4. Certain existing members of the Executive Council to cease.
5. Repeal and saving.

An Act further to amend the Uttar Pradesh State Universities Act, 1973

It is hereby enacted in the Thirty-ninth Year of the Republic of India as follows :—

1. Received the assent of the Governor on April 4, 1988 and published in the U. P. Gazette, Extra., Part-1, Section (ka), dated 4th April, 1988. [P]

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1. **Short title and commencement.**—(1) This Act may be called the Uttar Pradesh State Universities (Amendment) Act, 1988.

(2) Section 3 shall be deemed to have come into force on January 1, 1988 Sections 2 and 4 shall be deemed to have come into force with effect from January 15, 1988 and the remaining provisions shall come into force at once.

NOTES

When the legislature fixes the date and clearly express the intention that the Act shall come into force from the date, it is immaterial whether the bill after having passed by the both the Houses, receives the assent of the Governor or President, as the case may be, prior to such date or subsequently. In either case, the intention being expressed and manifest, the Act shall come into force on that date. *Guntur Dist. Co Op. Mkg. Society Ltd.* v. *State of A. P*, (1967) 20 STC 476 (AP).

In *State of U. P.* v. *Mahavir Prasad*, 1966 ALJ 796: 1969 All WR 316, the date of commencement of the order was not stated. The order gives rise to offences and therefore the figure to give date of commencement of the order must lead to the conclusion that it cannot be deemed to have, come into operation. The order is not a Central Act and hence the provisions of Section 5 of the General Clauses Act, 1897, cannot be invoked.

2. **Amendment of Section 20 of President's Act No. 10 of 1973 as amended and re-enacted by U. P. Act No. 29 of 1974** —In Section 20 of the Uttar Pradesh State Universities Act, 1973, hereinafter referred to as the principal Act, in sub-section (1) in clause (*g*) the following proviso shall be *inserted*, namely :—

"Provided that one of the persons so nominated shall be a person who is or has been a Judge of the Supreme Court or High Court".

3. **Amendment of Section 50.**—In Section 50 of the principal Act,—

(*a*) in sub-section (1-A), for the word and figures "December 31, 1987" the word and figures "December 31, 1990" shall be *substituted*, and

(*b*) in sub-section (2), for the word and figures "December 31, 1987" the word and figures "December 31, 1990" shall be *substituted*.

4. **Certain existing members of the Executive Council to cease.**—With effect from the commencement of this section a person nominated as a member of the Executive Council under clause (*g*) of sub-section (1) of Section 20 of the principal Act before such commencement shall cease to be a member of such Executive Council.

5. **Repeal and saving.**—(1) The Uttar Pradesh State Universities (Amendment) Ordinance, 1988 (U. P. Ordinance No. 3 of 1988), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinance, referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act, as if the provisions of this Act were in force at all material times.

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THE UTTAR PRADESH MOTOR VEHICLES TAXATION (AMENDMENT) ACT, 1988[1]

[U.P. Act No. 15 of 1987]

(As passed by the U.P. Legislature)

CONTENTS

Sections		*Sections*	
1.	Short title and commencement.	5.	Amendment of Section 7.
2.	Amendment of Section 4 of U.P. Act No. V of 1935.	6.	Amendment of Section 11.
3.	Amendment of Section 5.	7.	Insertion of new Schedule.
4.	Amendment of Section 6.	8.	Repeal and Saving.

An Act further to amend the United Provinces Motor Vehicles Taxation Act, 1935

It is hereby enacted in the Thirty-ninth Year of the Republic of India as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Uttar Pradesh Motor Vehicles Taxation (Amendment) Act, 1988.

(2) It shall be deemed to have come into force on February 5, 1988.

2. **Amendment of Section 4 of U.P. Act No. V of 1935.**—In Section 4 of the United Provinces Motor Vehicles Taxation Act, 1935 hereinafter referred to as the principal Act, in sub-section (1), the following proviso shall be *inserted*, namely :

"Provided that the owner of a motor vehicle other than a transport vehicle, in case such motor vehicle is registered for the first time under the provisions of the Motor Vehicles Act, 1939 in Uttar Pradesh after the commencement of the Uttar Pradesh Motor Vehicles Taxation (Amendment) Act, 1988 shall, and in any other case may, in lieu of the tax payable under this sub-section pay a one-time tax at the rate applicable in respect of such motor vehicle, as specified in 'Part B' of the Third Schedule and on payment of such one-time tax no tax under this sub-section for any period thereafter shall have to be paid in respect of such vehicle."

3. **Amendment of Section 5.**—In Section 5 of the principal Act,—

(*a*) in sub-section (1) for the words "Subject to the provisions of Sections 6, 8 and 9 the tax payable under Section 4 shall be payable in advance on or before the fifteenth day of January in each year by the owner of a motor vehicle", the words "Subject to the provisions of Section 6, the tax payable under Section 4 shall be payable in advance by the owner of a motor vehicle at the time of its registration under the Motor Vehicles Act, 1939 and thereafter on or before the fifteenth day of January in each subsequent year", and

1. Received the assent of the Governor on April 4, 1988 and published in the U.P. Gazette, Extra., Part-1, Section (ka), dated 4th April, 1988, pp. 7-13 [P]

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(*b*) for sub-section (2), the following sub-section shall be *substituted*, namely :—

"(2) Where the tax in respect of a motor vehicle is not paid within the period specified in sub-section (1), an officer empowered by the State Government in this behalf may, in lieu of prosecution under Section 13 and subject to such general directions, as may be issued by the State Government from time to time, accept from the owner of such motor vehicle compensation, in the case of payment of one-time tax, an amount not exceeding one-half of the amount of such tax payable under this Act, and in any other case, an amount not exceeding the amount of tax payable in a year in respect of the motor vehicle in addition to the tax due therefor, on payment of such compensation, the owner of the motor vehicle, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence so compounded."

NOTES

The question as to whether any tax by a State on motor vehicles, be they merely chassis or otherwise, would run counter to Article 301 of the Constitution, inasmuch as registration of a vehicle in any State under Section 28 of the Motor Vehicles Act is to be effective throughout India, had not been urged in the writ petition could not be examined by the Court on the merits. *Automotive Manufacturers* v. *Government of A.P.*, (1972) 1 SCC 125.

Section 2(18) defines "motor vehicle". The expression "adapted for use upon roads" cannot be construed with the help of English cases where an element of intention is relevant in ascertaining if a vehicle is a motor vehicle. Neither can the dictionaries be relied on for proper interpretation.

The meaning of the word "adapted" in Section 2(18) of the Act is itself indicated in Entry 57 of List II of the Seventh Schedule to the Constitution, which confers a power on the State to tax vehicles whether propelled mechanically or not and uses the word "suitable" in relation to its use on the roads. The words "adapted for use" must therefore be construed as "suitable for use". At any rate, words "adapted for use" cannot be larger in their import by including vehicles which are not "suitable for use" on roads. In this sense, the words "is adapted" for use have the same connotation as "is suitable" or "is fit" for use on the roads.

The word "vehicle" itself connotes that it is a contrivance which moves. A vehicle which merely moves from one place to another need not necessarily be a motor vehicle within the meaning of Section 2(18) of the Act. Road in Section 2(18) means a public road. *Bolani Ores Ltd.* v. *State of Orissa*, (1974) 2 SCC 777.

4. Amendment of Section 6.—In Section 6 of the principal Act, after the words "a calendar year" the words "and where one-time-tax has not been paid" shall be *inserted*.

5. Amendment of Section 7.—The existing Section 7 of the principal Act shall be renumbered as sub-section (1) thereof, and—

(*a*) in sub-section (1) as so-renumbered, after the words "the tax or instalment of tax" the words "other than the one-time tax" shall be *inserted*;

(*b*) after sub-section (1) as so re-numbered, the following sub-section shall be *inserted*, namely :—

"(2) Where the owner of a motor vehicle other than a

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transport vehicle, in respect of which one-time tax has been paid under the Act, proves to the satisfaction of the Taxation Officer in the prescribed manner that such motor vehicle has not been used for a continuous period of not less than one month, he shall be entitled in a refund of such tax at the rate specified in 'Part C' of the Third Schedule for the said period :

Provided that no such refund shall be admissible, unless the registration certificate and the token issued in respect of the vehicle are deposited by the owner with the Taxation Officer :

Provided further that the total amount of refund under this sub-section shall not be more than the one-time tax paid under the Act.

(3) In calculating the amount of refund under sub-section (2) any portion of the said period being less than a month, shall be ignored.

(4) The owner of a motor vehicle other than a transport vehicle in respect of which one-time tax has been paid under the Act shall be entitled to refund of such tax at the rates specified in 'Part D' of the Third Schedule on the ground that he has, after payment of such tax paid tax in respect of such vehicle under any enactment, relating to a tax on motor vehicles in any other State or Union Territory as a consequence of such vehicle having been brought over permanently to such State or Union Territory or that such motor vehicle has been converted into a transport vehicle or that the registration of such motor vehicle has been cancelled.

(5) Where the owner of a motor vehicle other than a transport vehicle which has been registered under the Motor Vehicles Act, 1939 before the commencement of the Uttar Pradesh Motor Vehicles Taxation (Amendment) Act, 1988 opts to pay one-time tax he shall while making payment of one-time tax be entitled to adjustment of any advance tax paid by him in respect of such vehicle for any part of the year 1988 or of any subsequent year, provided he pays such one-time tax within two months from the commencement of the Uttar Pradesh Motor Vehicles Taxation (Amendment) Act, 1988."

6. **Amendment of Section 11.**—The existing Section 11 of the principal Act shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered the following sub-section shall be *inserted*, namely :—

"(2) Where any motor vehicle other than a transport vehicle in respect of which one-time tax has been paid is operated as a transport vehicle the owner thereof shall be liable to pay the tax payable under the Act on such transport vehicle."

7. **Insertion of new Schedule.**—After the Second Schedule to the principal Act the following Schedule shall be *inserted*, namely :

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"THE THIRD SCHEDULE

PART 'A'

Vehicles

Classification of vehicles other than transport vehicles

Article	Description of vehicle
I	Motor cycles (including scooters and mopeds) not exceeding 500 kilograms in weight, unladen :—
	(1) Vehicles not exceeding 80 kilograms in weight, unladen ;
	(2) Vehicles exceeding 80 kilograms in weight, unladen ;
II	(1) Vehicles constructed and used solely for the conveyance of persons and light personal luggage with seating accommodation for not more than six persons exclusive of the driver ;
	(2) Trailors drawn by vehicles covered by this Article.
III	Vehicles including motor cycles weighing more than 500 kilograms in weight, unladen, constructed or adapted for use for the conveyance of more than six persons (exclusive of driver) :—
	(1) (*a*) not exceeding 2,000 kilograms in weight, unladen ;
	(*b*) exceeding 2,000 kilograms but not exceeding 3,000 kilograms in weight, unladen ;
	(*c*) exceeding 3,000 kilograms but not exceeding 4,000 kilograms in weight, unladen ;
	(*d*) exceeding 4,000 kilograms but not exceeding 5,000 kilograms in weight, unladen ;
	(*e*) exceeding 5,000 kilograms in weight, unladen ;
	(2) Trailors drawn by vehicles covered by this Article.

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PART 'B'

[*See* Section 4(1)]

Rates of tax on vehicles other than transport vehicles

Sl. No.	Vehicles according to the Articles of Part 'A'	Rate of tax in Rupees											
		Registered on or after 1-1-88	Registered in the year 1987	Registered in the year 1986	Registered in the year 1985	Registered in the year 1984	Registered in the year 1983	Registered in the year 1982	Registered in the year 1981	Registered in the year 1980	Registered in the year 1979	Registered in the year 1978	Registered in the year 1977 or prior thereto
1	2	3	4	5	6	7	8	9	10	11	12	13	14
1	I(1)	350.00	280.00	210.00	140.00	70.00	70.00	70.00	70.00	70.00	70.00	70.00	70.00
2	I(2)	750.00	675.00	600.00	525.00	450.00	375.00	300.00	225.00	150.00	75.00	75.00	75.00
3	II(1)	2500.00	2295.00	2090.00	1885.00	1680.00	1475.00	1270.00	1065.00	860.00	655.00	450.00	245.00
4	II(2)	500.00	460.00	420.00	380.00	340.00	300.00	260.00	220.00	180.00	140.00	100.00	60.00
5	III(1)(*a*)	4800.00	4400.00	4000.00	3600.00	3200.00	2800.00	2400.00	2000.00	1600.00	1200.00	800.00	400.00
6	III(1)(*b*)	6800.00	6240.00	5680.00	5120.00	4560.00	4000.00	3440.00	2880.00	2320.00	1760.00	1200.00	640.00
7	III(1)(*c*)	9400.00	8620.00	7840.00	7060.00	6280.00	5500.00	4720.00	3940.00	3160.00	2380.00	1600.00	820.00
8	III(1)(*d*)	11000.00	10090.00	9180.00	8270.00	7360.00	6450.00	5540.00	4630.00	3720.00	2810.00	1900.00	990.00
9	III(1)(*e*)	11000.00 plus 4400.00 for every 1000 kilograms or part thereof in excess of 5000 kilograms	10090.00 plus 4040.00 for every 1000 kilograms or part thereof in excess of 5000 kilograms	9180.00 plus 3680.00 for every 1000 kilograms or part thereof in excess of 5000 kilograms	8270.00 plus 3320.00 for every 1000 kilograms or part thereof in excess of 5000 kilograms	7360.00 plus 2960.00 for every 1000 kilograms or part thereof in excess of 5000 kilograms	6450.00 plus 2600.00 for every 1000 kilograms or part thereof in excess of 5000 kilograms	5540.00 plus 2240.00 for every 1000 kilograms or part thereof in excess of 5000 kilograms	4630.00 plus 1880.00 for every 1000 kilograms or part thereof in excess of 5000 kilograms	3720.00 plus 1520.00 for every 1000 kilograms or part thereof in excess of 5000 kilograms	2810.00 plus 1160.00 for every 1000 kilograms or part thereof in excess of 5000 kilograms	1900.00 plus 800.00 for every 1000 kilograms or part thereof in excess of 5000 kilograms	990.00 plus 440.00 for every 1000 kilograms or part thereof in excess of 5000 kilograms
10	III(2)	1000.00	920.00	840.00	760.00	680.00	600.00	520.00	440.00	360.00	280.00	200.00	120.00

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Provided that the rate of tax in respect of all owners of motor vehicles shall be double of the rates specified against Articles I, II and III of this Part except in respect of the following classes of owners, namely :—

(*a*) an individual ;

(*b*) a Municipal Board, Nagar Mahapalika, Zila Parishad, Notified Area Committee, Town Area Committee or Kshetra Samiti ;

(*c*) University established by or under any law ;

(*d*) any recognised educational institution ;

(*e*) any public charitable trust ;

(*f*) any other class of persons using motor vehicles for public purposes specified by the State Government in this behalf by notifications.

PART 'C'

[*See* Section 7(2)]

Rates of refund of tax where vehicle is not in use

Serial No.	Vehicles according to the Articles of Part-A	Amount to be refunded for each month of non-use of the motor vehicle (in rupees)
1	2	3
1	I(1)	2.00
2	I(2)	3.00
3	II(1)	10.00
4	II(2)	2.00
5	III(1)(*a*)	20.00
6	III(1)(*b*)	28.00
7	III(1)(*c*)	39.00
8	III(1)(*d*)	46.00
9	III(1)(*e*)	46.00 plus 18.00 for every 1,000 kilograms or part thereof in excess of 5,000 kilograms.
10	III(2)	4.00

Provided that the rates of refund in respect of all owners of vehicles except those given under clauses (*a*) to (*f*) of the proviso to PART 'B' shall be double of the rates specified above.

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PART 'D'

[*See* Section 7(3)]

Rates of Refund

Sl. No.	Vehicles according to the Articles of Part 'A'	Amount to be refunded (in rupees) in case the age of the vehicles from the month of its original registration is—										
		Not more than one year	More than one year but not more than two years	More than two years but not more than three years	More than three years but not more than four years	More than four years but not more than five years	More than five years but not more than six years	More than six years but not more than seven years	More than seven years but not more than eight years	More than eighth years but not more than nine years	More than nine years but not more than ten years	More than ten years but not more than eleven years
1	2	3	4	5	6	7	8	9	10	11	12	13
1	I(1)	210.00	140.00	70.00	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.
2	I(2)	600.00	525.00	450.00	375.00	300.00	225.00	150.00	75.00	Nil.	Nil.	Nil.
3	II(1)	2090.00	1885.00	1680.00	1475.00	1270.00	1065.00	860.00	655.00	450.00	245.00	Nil.
4	II(2)	420.00	380.00	340.00	300.00	260.00	220.00	180.00	140.00	100.00	60.00	Nil.
5	III(1)(*a*)	4000.00	3600.00	3200.00	2800.00	2400.00	2000.00	1600.00	1200.00	800.00	400.00	Nil.
6	III(1)(*b*)	5680.00	5120.00	4560.00	4000.00	3440.00	2880.00	2320.00	1760.00	1200.00	640.00	Nil.
7	III(1)(*c*)	7840.00	7060.00	6280.00	5500.00	4720.00	3940.00	3160.00	2380.00	1600.00	820.00	Nil.
8	III(1)(*d*)	9180.00	8270.00	7360.00	6450.00	5540.00	4630.00	3720.00	2810.00	1900.00	990.00	Nil.
9	III(1)(*e*)	9180.00 plus 3680.00 for every 1000 kilo-grams	8270.00 plus 3320.00 for every 1000 kilo-grams	7360.00 plus 2960.00 for every 1000 kilo-grams	6450.00 plus 2600.00 for every 1000 kilo-grams	5540.00 plus 2240.00 for every 1000 kilo-grams	4630.00 plus 1880.00 for every 1000 kilo grams	3720.00 plus 1520.00 for every 1000 kilo-grams	2810.00 plus 1160.00 for every 1000 kilo-grams	1900.00 plus 800.00 for every 1000 kilo-grams	990.00 plus 440.00 for every 1000 kilo grams	Nil.

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1	2	3	4	5	6	7	8	9	10	11	12	13
		or part thereof in excess of 5000 kilo-grams	or part thereof in excess of 5000 kilo-grams	or part thereof in excess of 5000 kilo-grams	or part thereof in excess of 5000 kilo-grams	or part thereof in excess of 5000 kilo-grams	or part thereof in excess of 5000 kilo-grams	or part thereof in excess of 5000 kilo-grams	or part thereof in excess of 5000 kilo-grams	or part thereof in excess of 5000 kilo-grams	or part thereof in excess of 5000 kilo-grams	
10	III(2)	840.00	760.00	680.00	600.00	520.00	440.00	360.00	280.00	200.00	120.00	Nil.

Note.—The rates of refund will be double of the amounts shown above in respect of all vehicles except those owned by—

(*a*) an individual;

(*b*) a Municipal Board, Nagar Mahapalika, Zila Parishad, Notified Area Committee, Town Area Committee or Kshetra Samiti;

(*c*) a University established by or under any law;

(*d*) any recognised educational institution;

(*e*) any public charitable trust;

(*f*) any other class of persons using motor vehicles for public purposes specified by the State Government in this behalf by notification.

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8. Repeal and Saving.—(1) The Uttar Pradesh Motor Vehicles Taxation (Amendment) Ordinance, 1988 (U.P. Ordinance No. 4 of 1988) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinance, referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act, as if the provisions of this Act were in force at all material times.

THE INDIAN STAMP (UTTAR PRADESH AMENDMENT) ORDINANCE, 1988[1]

[U. P. Ordinance No. 6 of 1988]

(Promulgated in the Thirty-ninth Year of the Republic of India)

CONTENTS

Sections		*Sections*	
1.	Short title and extent.	5.	Amendment of Article 23 of the said Schedule.
2.	Amendment of Article 3 of Schedule 1-B to Act No. 2 of 1899.	6.	Substitution of Article 24 of the said Schedule.
3.	Amendment of Article 6 of the said Schedule.	7.	Amendment of Article 48 of the said Schedule.
4.	Amendment of Article 15 of the said Schedule.		

An Ordinance further to amend the Indian Stamp Act, 1899, in its application to Uttar Pradesh

Whereas both Houses of the State Legislature are not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

And whereas the instructions of the President of India under the proviso to clause (1) of Article 213 of the Constitution have been obtained.

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor is pleased to promulgate the following Ordinance:—

1. Short title and extent.—(1) This Ordinance may be called the Indian Stamp (Uttar Pradesh Amendment) Ordinance, 1988.

(2) It shall extend to the whole of Uttar Pradesh.

2. Amendment of Article 3 of Schedule 1-B to Act No. 2 of 1899.—In Schedule I-B to the Indian Stamp Act, 1899, hereinafter referred to as the said Schedule, in Article 3 (Adoption-Deed), in the column relating to the "Proper Stamp duty" for the words "Seventy-five rupees" the words "one hundred rupees" shall be *substituted*.

NOTES

The obligation to pay money as penalty for breach of a covenant is not within the purview of the definition of "bond". *Mahabir Pd.* v. *Peer Bux*, 1972 ALJ 618 (FB).

An agreement for sale of trees in a forest containing an undertaking to pay money and attested by witnesses is a bond. *Board of Revenue* v. *Padum Bahadur Singh*, AIR 1957 All 391.

1. Promulgated by the Governor on June 24, 1988 and published in the U. P. Gazette, Extra., Part-2, Section (Ka), dated 24th June, 1988, pp. 3-6.

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One of the principal tests for determining a document is its negotiability and the intention of the parties in the light of surrounding circumstances. *Firm Chunni Lal* v. *Firm Mukat Lal*, AIR 1968 All 164.

Where under an agreement, *A* obliges to pay money to *B* and it is attested by witnesses and not payable to bearer or order, it is a bond. *Jageshwar* v. *Collector, Jaunpur*, AIR 1966 All 392.

3. **Amendment of Article 6 of the said Schedule.**—In the said Schedule, in Article 6 (Agreement relating to deposit of title deeds, pawn or pledge), in clause (2), in sub-clause (*a*), in the column relating to the "Proper stamp duty" for the figures set out in Column 1 of the table below, the figures set out respectively against them in Column 2 thereof shall be *substituted*, namely :—

Column 1	*Column 2*
Rs. P.	Rs. P.
1.50	3.00
3.00	6.00
4.50	9.00
6.00	12.00
7.50	15.00
9.00	18.00
12.00	24.00
18.75	37.50
37.50	75.00
56.25	112.50
75.00	150.00
112.50	225.00
150.00	300.00
187.50	375.00
225.00	450.00
75.00	150.00

4. **Amendment of Article 15 of the said Schedule.**—In the said Schedule, in Article 15 (Bond), in the column relating to the "Proper stamp duty", for the words set out in Column 1 of the table below, the words set out respectively against them in Column 2 thereof shall be *substituted*, namely :—

Column 1	*Column 2*
Rs. P.	Rs. P.
One rupee	One rupee and fifty paise
Two rupees and fifty paise	Three rupees
Four rupees and seventy-five paise	Five rupees and fifty paise
Nine rupees and fifty paise	Eleven rupees
Fourteen rupees and twenty-five paise	Sixteen rupees and fifty paise

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Column 1	*Column 2*
Nineteen rupees	Twenty-two rupees
Twenty-three rupees and seventy-five paise	Twenty-seven rupees and fifty paise
Twenty-eight rupees and fifty paise	Thirty-three rupees
Thirty-three rupees and twenty-five paise	Thirty-eight rupees and fifty paise
Thirty-eight rupees	Forty-four rupees
Forty-two rupees and seventy-five paise	Forty-nine rupees and fifty paise
Forty-seven rupees and fifty paise	Fifty-five rupees
Twenty-three rupees and seventy-five paise	Twenty-seven rupees and fifty paise

5. Amendment of Article 23 of the said Schedule.—In the said Schedule, in Article 23 (Conveyance), in the column relating to "Proper stamp duty" for the figures set out in Column 1 of the table below, the figures set out respectively against them in Column 2 thereof shall be *substituted*, namely :—

Column 1	*Column 2*
Rs. P.	Rs. P.
4.75	6.25
9.50	12.50
19.00	25.00
28.50	37.50
38.00	50.00
47.50	62.50
57.00	75.00
66.50	87.50
76.00	100.00
85.50	112.50
95.00	125.00
47.50	62.50

6. Substitution of Article 24 of the said Schedule.—In the said Schedule, for Article 23 (Copy or extract), the following Article shall be *substituted*, namely :—

"24. Copy or extract certified to be a true copy or extract by or by order of any public officer and not chargeable under the law for the time being in force relating to court fees—

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(*i*) if the original was not chargeable with duty or if the duty with which it was chargeable does not exceed three rupees.	Two rupees and twenty-five paise when the copy or extract is of an agricultural lease or of a mortgage-deed or sale-deed of agricultural land; in any other case, five rupees.
(*ii*) in any other case not falling within the provisions of Section 6-A.	Three rupees, when the copy or extract is of an agricultural lease or of a mortgage-deed or sale-deed of agricultural land and the value of the subject-matter of the original does not exceed one thousand rupees; in any other case ten rupees.

Exemptions

(*a*) Copy of any paper which a public officer is expressly required by law to make or furnish for record in any public office or for any public purpose.

(*b*) Copy of, or extract from, any register relating to births, baptisms, namings, dedications, marriages, divorces, deaths or burials."

7. Amendment of Article 48 of the said Schedule.—In the said Schedule, in Article 48, (Power of Attorney)—

(*a*) in clause (*b*), in the column relating to "Proper stamp duty", for the words "Six rupees" the words "Ten rupees" shall be *substituted*,

(*b*) in clause (*c*), in the column relating to "Proper stamp duty" for the words "Twenty-four rupees" the words "Fifty rupees" shall be *substituted*,

(*c*) in clause (*d*), in the column relating to "Proper stamp duty" for the words "Forty-eight rupees" the words "One hundred rupees" shall be *substituted*,

(*d*) in clause (*f*), in the column relating to "Proper stamp duty" for the words "Six rupees" the words "Ten rupees" shall be *substituted*.

———

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THE UTTAR PRADESH CO-OPERATIVE SOCIETIES (AMENDMENT) ORDINANCE, 1988[1]

[U. P. ORDINANCE NO. 7 OF 1988]

(*Promulgated by the Governor in the Thirty-ninth Year of the Republic of India*)

CONTENTS

Sections

1. Short title.
2. Amendment of Section 29.

Section

3. Amendment of Section 35.

An Ordinance further to amend the Uttar Pradesh Co-operative Societies Act, 1965

Whereas, the State Legislature is not in session and the Governor is satisfied that circumstances exist, which render it necessary for him to take immediate action ;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor is pleased to promulgate the following Ordinance :—

1. **Short title**.—This Ordinance may be called the Uttar Pradesh Co-operative Societies (Amendment) Ordinance, 1988.

2. **Amendment of Section 29**.—In Section 29 of the Uttar Pradesh Co-operative Societies Act, 1965, hereinafter referred to as the principal Act, in sub-section (6), in the first proviso, for the word and figures "June 30, 1988" the word and figures "December 31, 1988" shall be *substituted*.

3. **Amendment of Section 35**.—In Section 35 of the principal Act, in sub-section (6) in the proviso, for the word and figures "June 30, 1988" the word and figures "December 31, 1988" shall be *substituted*.

NOTES

Under Article 123 the Ordinances are limited in life and the Ordinance must be laid before Parliament and the life of the Ordinance may be further shortened. The power under Article 123 relates to policy and to an emergency when immediate action is considered necessary and if an objective test is applied the satisfaction of the President contemplated in Article 123 will be shorn of the power of the President himself and as the President will be acting on the advice of Ministers it may lead to disclosure of facts which under Article 75(4) are not to be disclosed. For these reasons it must be held that the satisfaction of the President is subjective. *Rustom Cavasjee Cooper* v. *Union of India*, (1970) 1 SCC 248, 275, 276, 277, 347, 348, 350.

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1. Promulgated by the Govenor on June 24, 1988, and published in the U. P. Gazette, Extra., Part-2, Section (ka), dated 24th June, 1988, p. 2 [P]

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THE UTTAR PRADESH URBAN LOCAL SELF-GOVERNMENT LAWS (AMENDMENT) ORDINANCE, 1988[1]

[U. P. ORDINANCE NO. 8 OF 1988]

(Promulgated by the Governor in the Thirty-ninth Year of the Republic of India)

CONTENTS

Sections

1. Short title.
2. Amendment of Section 2 U.P. Act No. 13 of 1977.
3. Amendment of Section 3.
4. Amendment of Section 24 of U.P. Act No. 35 of 1978.

An Ordinance further to amend the Uttar Pradesh Municipalities, Notified Areas and Town Areas (Alpakalik Vyavastha) Adhiniyam, 1977 and the Uttar Pradesh Urban Local Self-Government Laws (Third Amendment) Act, 1978

Whereas, the State Legislature is not in session and the Governor is satisfied that circumstances exist, which render it necessary for him to take immediate action ;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor is pleased to promulgate the following Ordinance :

1. **Short title.**—This Ordinance may be called the Uttar Pradesh Urban Local Self-Government Laws (Amendment) Ordinance, 1988.

2. **Amendment of Section 2 of U.P. Act No. 13 of 1977.**—In Section 2 of the Uttar Pradesh Municipalities, Notified Areas and Town Areas (Alpakalik Vyavastha) Adhiniyam, 1977, hereinafter referred to as the principal Act, for the word and figures "June 30, 1988" wherever occurring, the word and figures "December 31, 1988" shall be *substituted*.

3. **Amendment of Section 3.**—In Section 3 of the principal Act, for the word and figures "June 30, 1988" the word and figures "December 31, 1988", shall be *substituted*.

4. **Amendment of Section 24 of U.P. Act No. 35 of 1978.**—In Section 24 of the Uttar Pradesh Urban Local Self-Government Laws (Third Amendment) Act, 1978, for the word and figures "June 30, 1988", the word and figures "December 31, 1988" shall be *substituted*.

NOTES

Under Article 123 the Ordinances are limited in life and the Ordinance must be laid before Parliament and the life of the Ordinance may be further shortened. The power under Article 123 relates to policy and to an emergency when immediate action is considered necessary and if an objective test is applied the satisfaction of the President contemplated in Article 123 will be shorn of the power of the President himself and as the President will be acting on the advice of Ministers it may lead to disclosure of facts which under Article 75(4) are not to be disclosed. For these reasons it must be held that the satisfaction of the President is subjective. *Rustom Cavasjee Cooper* v. *Union of India*, (1970) 1 SCC 248, 275, 276, 277, 347, 348, 350.

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1. Promulgated by the Governor on June 24, 1988 and published in the U.P. Gazette, Extra., Part-2, Section (ka), dated 24th June, 1988, p. 2

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THE UTTAR PRADESH URBAN BUILDINGS (REGULATION OF LETTING, RENT AND EVICTION) (AMENDMENT) ACT, 1988[1]

[U. P. Act No. 11 of 1988]

(*As passed by the Uttar Pradesh Legislature*)

An Act further to amend the Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972

It is hereby enacted in the Thirty-ninth Year of the Republic of India as follows :

Prefatory Note—Statement of Objects and Reasons.—The second proviso to sub-section (2) of Section 2 of the Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction), Act, 1972 provides that the buildings constructed on or after April 26, 1985 shall be exempted from the operation of the said Act for a period of twenty years from the date on which the construction is completed. In order to encourage the construction of new buildings in the State, it has been decided to extend the period of said exemption from twenty years to forty years.

The Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) (Amendment) Bill, 1988 is introduced accordingly.

1. **Short title.**—This Act may be called the Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) (Amendment) Act, 1988.

2. **Amendment of Section 2 of U.P. Act No. 13 of 1972.**—In Section 2 of the Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act. 1972, in sub-section (2), in the second proviso, for the word "twenty years" the words "forty years" shall be *substituted*.

THE UTTAR PRADESH CONTINGENCY FUND (AMENDMENT) ORDINANCE, 1988[2]

[U. P. Ordinance No. 5 of 1988]

(*Promulgated by the Governor in the Thirty-ninth year of the Republic of India*)

An Ordinance further to amend the Uttar Pradesh Contingency Fund Act, 1950

Whereas, the State Legislature is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action ;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor is pleased to promulgate the following Ordinance :—

1. **Short title.**—This Ordinance may be called the Uttar Pradesh Contingency Fund (Amendment) Ordinance, 1988.

1. Received the assent of the Governor on May 13, 1988 and published in the U P. Gazette, Extra., Part-1, Section (ka), dated 13th May, 1988, p. 2
2. Promulgated by the Governor on June 3, 1988 and published in the U. P. Gazette, Extra., Part-2, Section (ka) dated 3rd June, 1988 p. 2

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2. **Amendment of Section 4 of U. P. Act No. XIX of 1950.**—In Section 4 of the Uttar Pradesh Contingency Fund Act, 1950, after sub-section (10), the following sub-section shall be *inserted* namely :—

"(11) The State Government shall on the commencement of the Uttar Pradesh Contingency Fund (Amendment) Ordinance, 1988 withdraw a further sum of two hundred crores of rupees out of the Consolidated Fund of the State and place the same to the credit of the Fund".

NOTES

Under Article 123 the Ordinances are limited in life and the Ordinance must be laid before Parliament and the life of the Ordinance may be further shortened. The power under Article 123 relates to policy and to an emergency when immediate action is considered necessary and if an objective test in applied the satisfaction of the President contemplated in Article 123 will be shorn of the power of the President himself and as the President will be acting on the advice of Ministers it may lead to disclosure of facts which under Article 75(4) are not to be disclosed. For these reasons it must be held that the satisfaction of the President is subjective. *Rustom Cavasjee Cooper* v. *Union of India*, (1970) 1 SCC 248, 275, 276, 277, 347, 348, 350.

THE UTTAR PRADESH KRISHI UTPADAN MANDI SAMITIS (ALPAKALIK VYAWASTHA) (SANSHODHAN) ADHYADESH, 1988[1]

[U. P. Ordinance No. 9 of 1988]

(*Promulgated by the Governor in the Thirty-ninth Year of the Republic of India*)

An Ordinance further to amend the Uttar Pradesh Krishi Utpadan Mandi Samitis (Alpakalik Vyawastha) Adhiniyam, 1972

Whereas the State Legislature is not in session and the Governor is satisfied that circumstances exist, which render it necessary for him to take immediate action ;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor is pleased to promulgate the following Ordinance :

1. **Short title.**—This Ordinance may be called the Uttar Pradesh Krishi Utpadan Mandi Samitis (Alpakalik Vyawastha) (Sanshodhan) Adhyadesh, 1988.

2. **Amendment of Section 2 of U.P. Act No. 7 of 1972.**—In Section 2 of the Uttar Pradesh Krishi Utpadan Mandi Samitis (Alpakalik Vyawastha) Adhiniyam, 1972, in sub-section (1), for the words "five years" the words "six years" shall be *substituted* and be deemed always to have been substituted.

NOTES

Under Article 123 the Ordinances are limited in life and the Ordinance must be laid before Parliament and the life of the Ordinance may be further shortened. The power under Article 123 relates to policy and to an emergency when immediate action is considered necessary and if an objective test is applied the satisfaction of the President contemplated in Article 123 will be shorn of the power of the President himself and as the President will be acting on the advice of Ministers it may lead to disclosure of facts which under Article 75(4) are not to be disclosed. For these reasons it must be held that the satisfaction of the President is subjective. *Rustom Cavasjee Cooper* v. *Union of India*, (1970) 1 SCC 248, 275, 276, 277, 347, 348, 350.

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1. Promulgated by the Governor on June 24, 1988 and published in the U.P. Gazette, Extra., Part-2, Section (ka), dated 24th June, 1988, p. 2

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STATEMENT OF OBJECTS AND REASONS

Ed. : Since the Bills containing the Statement of Objects and Reasons of the followings Acts were not received earlier, the same are being published now :

[U.P. Act No. 6 of 1985; 1985 LLT-IV-40]

U.P. SALES TAX (AMENDMENT) ACT, 1985

Prefatory Note—Statement of Objects and Reasons.—In order to remove the difficulties experienced by new industrial Units in the implementation of the scheme for granting exemption from sales tax, it was considered necessary to amend the Uttar Pradesh Sales Tax Act, 1948 with a view to providing—

(1) that the period of exemption from sales tax under Section 4-A of the said Act shall be computed from the date of first sale by the manufacturer if such sale takes place within six months from the date of starting production by such manufacturer and, in any other case, from the date following the expiration of six months from the date of starting production ; and

(2) that for the purposes of the said exemption, a new unit shall be a factory or workshop whether set up by a dealer already having an industrial unit manufacturing the same goods at any other place in the State or an industrial unit manufacturing any other goods on, or adjacent to, the site of an existing factory or workshop.

Since the State Legislature was not in session and immediate legislative action in the matter was necessary, the Uttar Pradesh Sales Tax (Amendment) Ordinance, 1985 (U.P. Ordinance No. 2 of 1985) was promulgated by the Governor on January 19, 1985.

This Bill is accordingly introduced to replace the aforesaid Ordinance.

[U.P. Act No. 8 of 1986; 1986 LLT-IV-52]

INDIAN ELECTRICITY (U.P. AMENDMENT) ACT, 1986

Prefatory Note—Statement of Objects and Reasons.—The Uttar Pradesh State Electricity Board has a wide-spread network in towns and rural areas of the State which extends to about three lakh circuit kilometres and covering about twenty five lakh consumers. Cases of theft of energy were reported to be steadily increasing resulting in heavy loss of energy and its misutilisation and causing adverse effect on the internal resource mobilization of the State Electricity Board and also on public revenues of the State. This growing menace if not checked effectively and without further delay, might assume alarming proportions and endanger the very economy of the State Electricity Board and adversely affect the prospects of healthy industrial development of the State. It was accordingly considered necessary in the public interest to amend the Indian Electricity Act, 1910 in its application to Uttar Pradesh so as to—

(1) make the definition of theft of energy more comprehensive and expressly bring within its scope all kinds of devices employed for dishonest abstraction, consumption, use or drawal of energy ;

(2) suitably provide for the minimum punishment for the first conviction and higher minimum punishment on the second or subsequent conviction so as to be commensurate with the magnitude and gravity of the offence depending upon the electrical load drawn at the theft. The proposed provision envisages lesser minimum punishment for offence involving theft of energy where the load does not exceed 7.46 kilowatt (10 horse power) and stringent minimum punishment for offences where the load exceeds 7.46 kilowatt. This has been done keeping in view the gravity of the offence and the extent of damage to the public interest.

(3) to equate abetment and attempt for commission of offences of theft of energy with the offence of theft of energy ;

(4) enhance the punishment, and, prescribe minimum punishment, for the offence relating to malicious wasting of energy or cutting or injuring electric supply lines or works and to provide for minimum higher punishment on second or subsequent conviction ;

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(5) confer power of entry, inspection, search and seizure on the licensee or a person authorised by it to detect theft of energy;

(6) make offences under Sections 39 and 40 to be cognizable and non-bailable.

Since the State Legislature was not in session and immediate legislative action in the matter was imperative, the Indian Electricity (Uttar Pradesh Amendment) Ordinance, 1986 (U.P. Ordinance No. 1 of 1986) was promulgated by the Governor on January 4, 1986.

The Indian Electricity (Uttar Pradesh Amendment) Bill, 1986 is accordingly introduced to replace the aforesaid U.P. Ordinance No. 1 of 1986.

[U.P. Act No. 15 of 1986; 1986 LLT-IV-81]

U.P. STATE UNIVERSITIES (AMENDMENT) ACT, 1986

Prefatory Note—Statement of Objects and Reasons.—Section 50 of the Uttar Pradesh State Universities Act, 1973 empowers the State Government to make the first Statutes of the State Universities and also to amend such Statutes up to December 31, 1985. It has been decided to extend the aforesaid period up to December 31, 1987 to enable the State Government to amend the first Statutes of the State Universities.

The Uttar Pradesh State Universities (Amendment) Bill, 1986 is introduced accordingly.

[U.P. Act No. 23 of 1986; 1986 LLT-IV-90]

U.P. SLUM AREAS (IMPROVEMENT AND CLEARANCE) (AMENDMENT) ACT, 1986

Prefatory Note—Statement of Objects and Reasons.—In order to remove the difficulties experienced in the administration of the Uttar Pradesh Slum Areas (Improvement and Clearance) Act, 1962 (U.P. Act No. 18 of 1962) and keeping in view the recommendations of the World Bank, it was considered necessary to amend the said Act mainly with a view to—

(1) providing that the permission for a construction work applied for, shall be deemed to have been granted if the applicant receives no order within 90 days and reminds the Competent Authority thereafter and receives no order within 30 days,

(2) empowering the Competent Authority to order the demolition of an unauthorised construction, and

(3) authorising the Competent Authority to notify its intention for the acquisition of any land or building or both in a Slum Area or in a clearance area for improvement, re-development or rehabilitation of the residents of such area.

Since the State Legislature was not in session and immediate legislative action in the matter was necessary, the Governor promulgated the Uttar Pradesh Slum Areas (Improvement and Clearance) (Amendment) Ordinance, 1986 (U.P. Ordinance No. 8 of 1986) on June 11, 1986.

The Uttar Pradesh Slum Areas (Improvement and Clearance) (Amendment) Bill, 1986 is introduced to replace the aforesaid Ordinance.

[U.P. Act No. 3 of 1987; 1987 LLT-IV-21]

U.P. URBAN LOCAL SELF GOVERNMENT LAWS (AMENDMENT) ACT, 1987

Prefatory Note– Statement of Objects and Reasons.—The powers, functions and duties of the Kanpur, Agra, Lucknow, Varanasi and Allahabad Nagar Mahapalika and of all the Municipal Boards, Notified Area Committees and Town Areas Committees were vested in the Administrators/District Magistrates till December 31, 1986. Since it could not be possible to hold elections to the aforesaid local bodies before the said date, it was considered necessary to extend the said term by one more year.

Difficulties were experienced in the implementation of certain provisions of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959 and the U.P. Municipalities Act, 1916.

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With a view to removing the difficulties, and augmenting resources for the Urban Development projects as also for bringing improvement in the implementation of the concerned provisions, it was decided to amend the aforesaid Acts, mainly to define 'Commercial building' and include them in the definition of 'annal value' and to provide for,—

(1) enforcing all existing notifications, rules, regulations bye-laws etc. in the areas included in a Mahapalika or in a Nagarpalika;

(2) authorising the Mukhya Nagar Adhikari to sanction estimates up to 50,000 rupees and up to two lakh rupees with the approval of the Executive Committee;

(3) submission of the estimates exceeding two lakh rupees to the Mahapalika and the estimates exceeding ten lakh rupees to the State Government for sanction;

(4) taking effect of a new assessment list from the first day of the month next following the completion thereof instead of first day of April or the first day of October next in respect of Mahapalikas and the Nagarpalikas;

(5) amendment of the assessment lists which have become incorrectly valued or assessed in respect of Mahapalika and the Nagarpalika both.

Since the State Legislature was not in session and it was considered necessary to implement the above decisions expeditiously, the Uttar Pradesh Urban Local Self-Government Laws (Amendment) Ordinance, 1986 (U.P. Ordinance No. 15 of 1986) and the Uttar Pradesh Urban Local Self-Government Laws (Amendment) Ordinance, 1987 (U.P. Ordinance No. 1 of 1987) were promulgated by the Governor on December 31, 1986 and January 21, 1987 respectively.

This Bill is introduced to replace the aforesaid Ordinances accordingly.

[U.P. Act No. 4 of 1987; 1987 LLT-IV-20]

U.P. AREA DEVELOPMENT (AMENDMENT) ACT, 1987

Prefatory Note—Statement of Objects and Reasons.—According to the existing provisions of Section 4 of the Uttar Pradesh Area Development Act, 1976 (U.P. Act No. 51 of 1976), the District Magistrates of the districts falling in the Command Area are not members of the Area Development Authorities established under Section 3 of the aforesaid Act. In order to ensure full co-operation and involvement of the concerned District Magistrates in the implementation of the development plans of the Command Area, it was decided to amend the aforesaid Act, so as to provide for making the concerned District Magistrates members of the Area Development Authorities.

Since the State Legislature was not in session and immediate legislative action in the matter was necessary, the Uttar Pradesh Area Development (Amendment) Ordinance, 1986 (U.P. Ordinance No. 13 of 1986), was promulgated by the Governor on December 19, 1986.

This Bill is introduced to replace the aforesaid Ordinance accordingly.

[U.P. Act No. 5 of 1987; 1987 LLT-IV-19]

U.P. CO-OPERATIVE SOCIETIES (AMENDMENT) ACT, 1987

Prefatory Note—Statement of Objects and Reasons.—The first proviso to sub-section (6) of Section 29 of the Uttar Pradesh Co-operative Societies Act, 1965, as amended by the Uttar Pradesh Co-operative Societies (Second Amendment) Act, 1986 (U.P. Act No. 17 of 1986) provided that an administrator appointed by the Registrar under sub-section (4) of the said section for the management of the affairs of the co-operative societies shall arrange for the reconstruction of the Committee of Management within one year of his initial appointment or up to December 31, 1986, whichever be later. Similarly the proviso to sub-section (6) of Section 35 of the said Act provided that the Committee or an Administrator or Administrators, appointed under sub-section (3), whose term had expired before April 7, 1982 shall arrange for the reconstitution of the Committee of Management by December 31, 1986. Due to some administrative difficulties, holding of elections of the Co-operative Societies and the constitution of Committees of Management of the Co-operative Societies was not possible by December 31, 1986. It was, therefore, considered necessary to extend the term of the existing arrangement up to June 30, 1987.

Since the State Legislature was not in session and immediate legislative action in the matter was necessary, the Uttar Pradesh Co-operative Societies (Second Amendment)

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Ordinance, 1986 (U.P. Ordinance No. 14 of 1986) was promulgated by the Governor on December 29, 1986.

With a view to raising share capital, increasing the deposits and bringing all round improvement in the distribution of loans in the Co-operative Banks under the strengthening plan of the urban banking scheme it has also been decided to amend Section 17 of the aforesaid Act with a view to making the registered partnership firms eligible for membership of the co-operative societies.

The Uttar Pradesh Co-operative Societies (Amendment) Bill, 1987 is introduced accordingly.

[U.P. Act No. 6 of 1987; 1987 LLT-IV-44]

U.P. PUBLIC SERVICES (TRIBUNALS) (AMENDMENT) ACT, 1987

Prefatory Note—Statement of Objects and Reasons.—With a view to streamlining the working of the Public Services Tribunals and for speedy disposal of pending cases, it was considered expedient to take advantage of the experience of retired Government Servants and accordingly provide for their appointment as members of the Tribunals if they are otherwise eligible for appointment as such member by amending Section 3 of the Uttar Pradesh Public Services (Tribunals) Act, 1976.

Since the State Legislature was not in session and immediate legislative action in the matter was necessary, the Uttar Pradesh Public Services (Tribunals) (Amendment) Ordinance, 1987 (U.P. Ordinance No. 2 of 1987), was promulgated by the Governor on January 28, 1987.

This Bill is accordingly introduced to replace the aforesaid Ordinance.

[U.P. Act No. 7 of 1987; 1987 LLT-IV-44]

THE LEPERS (U.P. REPEAL) ACT, 1986

Prefatory Note—Statement of Objects and Reasons.—The enactment of the Lepers Act, 1898 (Act No. 3 of 1898) was based on the then prevailing knowledge about leprosy, the means available for its treatment and control and the age-old stigma attached to the disease. It was considered that the disease was incurable, that all lepers are infectious and it is essential to restrain movement of pauper lepers and prohibit leprosy patients from following certain trades and doing certain acts. The Act made provisions to prevent spread of the disease to others.

2. In the light of recent scientific advancements, the concept about leprosy as regards its causation, spread, infectivity and treatment has undergone a radical change. Leprosy has now become curable. Its treatment is possible in patients' own homes without affecting their normal pursuits of life. The physical deformities, which may arise out of this disease, are preventable and correctible.

3. Most of the leprosy patients are non-infectious. The few infectious cases can be made non-infectious within a short period by modern treatment. The problem of their infectivity is, however, to be tackled by taking common precautions as in case of other infectious diseases along with the treatment.

4. In view of the above and in order to create the right attitude towards the disease, it has been considered necessary to repeal the Lepers Act, 1898, in its application to Uttar Pradesh.

5. The Lepers (Uttar Pradesh Repeal) Bill, 1986 is introduced accordingly.

[U.P. Act No. 8 of 1987; 1987 LLT-IV-31]

U.P. CO-OPERATIVE SOCIETIES (SECOND AMENDMENT) ACT, 1987

Prefatory Note—Statement of Objects and Reasons.—The first proviso to sub-section (6) of Section 29 of the Uttar Pradesh Co-operative Societies Act, 1965, as amended by the Uttar Pradesh Co-operative Societies (Amendment) Act, 1987 (U.P. Act No. 5 of 1987) provided that an administrator appointed by the Registrar under sub-section (4) of

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the said section for the management of the affairs of the co-operative societies shall arrange for the reconstitution of the Committee of Management within one year of his initial appointment or up to June 30, 1987, whichever be later. Similarly the proviso to sub-section (6) of Section 35 of the said Act provided that the Committee or an Administrator or Administrators, appointed under sub-section (3), whose term had expired before April 1982, shall arrange for the reconstitution of the Committee of Management by June 30, 1987. Due to some administrative difficulties, holding of elections of the Co-operative Societies and the Constitution of Committees of Management of the Co-operative Societies is not possible by June 30, 1987. It has, therefore, been considered necessary to extend the term of the existing arrangement up to December 31, 1987.

The Uttar Pradesh Co-operative Societies (Second Amendment) Bill, 1987, is introduced accordingly.

[U.P. Act No. 12 of 1987; 1987 LLT-IV-28]

U.P. KRISHI UTPADAN MANDI (AMENDMENT) ACT, 1987

Prefatory Note—Statement of Objects and Reasons.— The explanation to sub-rule (1) of Rule 66 of the Uttar Pradesh Krishi Utpadan Mandi Niyamawali, 1965, regarding the sale of specified agricultural produce in a market yard was held *ultra vires* by the Allahabad High Court in a writ petition on the ground that it was beyond the rule-making power of the State Government. As a consequence of the said decision of the High Court the Mandi Samitis were facing difficulties in checking the evasion of market fee. It was, therefore, considered expedient to amend the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964, so as to clarify the matter and to prevent evasion of market fee.

Since the State Legislature was not in session and immediate legislative action in the matter was necessary, the Uttar Pradesh Krishi Utpadan Mandi (Amendment) Ordinance, 1987 (U.P. Ordinance No. 4 of 1987) was promulgated by the Governor on March 31, 1987, after obtaining the prior instructions of the President.

This Bill is accordingly introduced to replace the aforesaid Ordinance.

[U.P. Act No. 14 of 1987; 1987 LLT-IV-30]

U.P. ZAMINDARI ABOLITION AND LAND REFORMS (AMENDMENT) ACT, 1987

Prefatory Note—Statement of Objects and Reasons.—Cultivators in the portion of district Mirzapur south of Kaimur range were shown as unauthorised holders of land in the revenue records during the record operation after the enforcement of the U.P. Zamindari Abolition and Land Reforms Act, 1950. With a view to giving them non-transferable Bhumidhari rights over the land under their cultivatory possession it was decided to amend the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 so as to provide that every person having cultivatory possession over the land since before June 30, 1978 in the said area should become Bhumidhar with non-transferable rights.

Since the State Legislature was not in session and immediate legislative action in the matter was necessary, the Uttar Pradesh Zamindari Abolition and Land Reforms (Amendment) Ordinance, 1987 (U.P. Ordinance No. 7 of 1987) was promulgated by the Governor on April 15, 1987.

This Bill is accordingly introduced to replace the aforesaid Ordinance.

[U.P. Act No. 19 of 1987; 1987 LLT-IV-46]

U.P. STATE UNIVERSITIES (AMENDMENT) ACT, 1987

Prefatory Note—Statement of Objects and Reasons.—There has been a persistent demand for a long time for establishing a new State University in the eastern region of the State. After considering the above demand, the State Government has decided to set-up a new University at Jaunpur to be known as the Purvanchal University at Jaunpur which will be an affiliating University having in its jurisdiction the districts of Azamgarh, Ballia, Ghazipur, Jaunpur, Mirzapur and Varanasi. In order to achieve the above object, it has been considered necessary to suitably amend the Uttar Pradesh State Universities Act, 1973 so as to provide for the establishment of the aforesaid University.

The Uttar Pradesh State Universities (Amendment) Bill, 1987 is introduced accordingly.

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[U.P. Act No. 21 of 1987; 1987 LLT-IV-48]

U.P. STATE LEGISLATURE (MEMBERS' EMOLUMENTS AND PENSION) (AMENDMENT) ACT, 1987

Prefatory Note—Statement of Objects and Reasons.—Under the existing provisions of the U.P. State Legislature (Members' Emoluments and Pension) Act, 1980 every member is entitled to railway coupons of such value not exceeding twenty-five thousand rupees per annum for travel within or outside Uttar Pradesh in accordance with such principles as may be prescribed. It has been felt that the abovementioned limit is not sufficient especially for members living at distant places from the State headquarters. It is, therefore, considered necessary to enhance this limit to thirty five thousand rupees with effect from June 1, 1986. Provision is also being made for air coupons instead of railway coupons of equal value, to such members who may desire to travel by air.

2. It has also been decided to increase the amount of salary payable to members from Rs. 500 to Rs. 850, constituency allowance from Rs. 1600 to Rs. 2600 and medical allowance from Rs. 400 to Rs. 600 per month. The daily allowance payable to members for attending sittings of the House or meeting of a Committee is also proposed to be enhanced from Rs. 60 to Rs. 85 per day.

The Uttar Pradesh State Legislature (Members' Emoluments and Pension) (Amendment) Bill, 1987 is introduced accordingly.

(U.P. Act No. 7 of 1988; 1988 LLT-IV-23]

U.P. SUBORDINATE SERVICES SELECTION BOARD ACT, 1988

Prefatory Note—Statement of Objects and Reasons.—It has come to the notice of the State Government that, due to excessive increase in the workload of the State Public Service Commission, inordinate delay is caused in conducting examinations and making selection of candidates for appointment to various gazetted and non-gazetted posts under the State Government. In order to reduce the heavy work-load of the Commission and to enable it to work more efficiently and effectively, it was considered expedient to establish a separate Subordinate Services Selection Board for selection of group 'C' posts in the State.

Since the State Legislature was not in session and immediate legislative action in the matter was necessary, the Uttar Pradesh Subordinate Services Selection Board Ordinance, 1988 (U.P. Ordinance No. 2 of 1988) was promulgated by the Governor on January 9, 1988.

The Uttar Pradesh Subordinate Services Selection Board Bill, 1988 is introduced to replace the aforesaid Ordinance.

[U.P. Act No. 9 of 1988; 1988 LLT-IV-32]

U.P. STATE UNIVERSITIES (AMENDMENT) ACT, 1988

Prefatory Note—Statement of Objects and Reasons.—Clause (*g*) of sub-section (1) of Section 20 of the Uttar Pradesh State Universities Act, 1973 empowers the Chancellor to nominate four persons of academic eminence to be the members of the Executive Council of a State University. With a view to ensuring the availability of sound legal advice in the dellberations of the Executive council and representation therein of a person having knowledge of law, it was considered necessary to provide that one of the persons nominated under the said clause (*g*) should be the person who is or has been a judge of the Supreme Court or the High Court. Besides, Section 50 of the said Act empowered the State Government to make the first Statutes of the State Universities and also to amend such Statutes up to December 31, 1987.

It was considered necessary to extend the aforesaid period up to December 31, 1990 to enable the State Government to amend the First Statutes of the State Universities.

Since the State Legislature was not in session and immediate legislative action in the matter was imperative, the Uttar Pradesh State Universities (Amendment) Ordinance, 1988 (U.P. Ordinance No. 3 of 1988) was promulgated by the Governor on January 15, 1988.

The Uttar Pradesh State Universities (Amendment) Bill, 1988 is introduced to replace the aforesaid Ordinance accordingly.

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THE UTTAR PRADESH SHRI BADRINATH AND SHRI KEDARNATH TEMPLES (AMENDMENT) ORDINANCE, 1988[1]

[U.P. ORDINANCE NO. 10 OF 1988]

(*Promulgated by the Governor in the Thirty-ninth Year of the Republic of India*)

An Ordinance further to amend the Uttar Pradesh Shri Badrinath and Shri Kedarnath Temples Act, 1939

Whereas, the State Legislature is not in session and the Governor is satisfied that circumstances exist, which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor is pleased to promulgate the following Ordinance:—

1. **Short title.**—This Ordinance may be called the Uttar Pradesh Shri Badrinath and Shri Kedarnath Temples (Amendment) Ordinance, 1988.

2. **Amendment of Section 11 of U.P. Act No. 16 of 1939.**—In Section 11 of the Uttar Pradesh Shri Badrinath and Shri Kedarnath Temples Act, 1939, in sub-section (2-A), for the words "of six months" the words ending with September 30, 1988 shall be *substituted* and shall be deemed always to have been *substituted*.

NOTES

Under Article 123 the Ordinances are limited in life and the Ordinance must be laid before Parliament and the life of the Ordinance may be further shortened. The power under Article 123 relates to policy and to an emergency when immediate action is considered necessary and if an objective test is applied the satisfaction of the President contemplated in Article 123 will be shorn of the power of the President himself and as the President will be acting on the advice of Council of Ministers it may lead to disclosure of facts which under Article 75(4) are not to be disclosed. For these reasons it must be held that the satisfaction of the Presidents is subjective. *Rustom Cavasjee Cooper* v. *Union of India*, (1970) 1 SCC 248, 275, 276, 277, 347, 348, 350: AIR 1970 SC 564: (1970) 40 Com Cas 325.

THE UTTAR PRADESH ZILA PARISHADS (ALPAKALIK VYAVASTHA) (SANSHODHAN) ADHYADESH, 1988[2]

[U.P. ORDINANCE NO. 11 OF 1988]

(*Promulgated by the Governor in the Thirty-ninth Year of the Republic of India*)

An Ordinance further to amend the Uttar Pradesh Zila Parishads (Alpakalik Vyavastha) Adhiniyam, 1977

Whereas, the State Legislature is not in session and the Governor is satisfied that circumstances exist, which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor is pleased to promulgate the following Ordinance:—

1. Promulgated by the Governor on August 17, 1988 and published in the U.P. Gazette, Extra., Part II, Section (*ka*), dated 17th August, 1988, p. 2
2. Promulgated by the Governor on August 17, 1988 and published in the U.P. Gazette, Extra., Part II, Section (*ka*), dated 17th August, 1988, p. 2

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1. **Short title.**—This Ordinance may be called the Uttar Pradesh Zila Parishad (Alpakalik Vyavastha) (Sanshodhan) Adhyadesh, 1988.

2. **Amendment of Section 2 of U.P. Act No. 15 of 1977.**—In Section 2 of the Uttar Pradesh Zila Parishads (Alpakalik Vyavastha) Adhiniyam, 1977 in sub-section (1), for the words and figures "30th day of September, 1988" the words and figures "31st day of December, 1988" shall be *substituted*.

NOTES

Under Article 123 the Ordinances are limited in life and the Ordinance must be laid before Parliament and the life of the Ordinance may be further shortened. The power under Article 123 relates to policy and to an emergency when immediate action is considered necessary and if an objective test is applied the satisfaction of the President contemplated in Article 123 will be shorn of the power of the President himself and as the President will be acting on the advice of Council of Ministers it may lead to disclosure of facts which under Article 75(4) are not to be disclosed. For these reasons it must be held that the satisfaction of the President is subjective. *Rustom Cavasjee Cooper* v. *Union of India*, (1970) 1 SCC 248, 275, 276, 277, 347, 348, 350: AIR 1970 SC 564: (1970) 40 Com Cas 325.

THE UTTAR PRADESH URBAN LOCAL SELF-GOVERNMENT LAWS (AMENDMENT) ACT, 1988[1]

[U.P. ACT NO. 12 OF 1988]

(*As passed by the U.P. Legislature*)

CONTENTS

Sections

1. Short title and commencement.
2. Amendment of Section 2 of U.P. Act No. 13 of 1977.
3. Amendment of Section 3.
4. Amendment of Section 24 of U.P. Act No. 35 of 1978.
5. Repeal and saving.

An Act further to amend the Uttar Pradesh Municipalities, Notified Areas and Town Areas (Alpakalik Vyavastha) Adhiniyam, 1977 and the Uttar Pradesh Urban Local Self-Government Laws (Third Amendment) Act, 1978

It is hereby enacted in the Thirty-ninth Year of the Republic of India as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Uttar Pradesh Urban Local Self-Government Laws (Amendment) Act, 1988.

(2) It shall be deemed to have come into force on June 24, 1988.

2. **Amendment of Section 2 of U.P. Act No. 13 of 1977.**—In Section 2 of the Uttar Pradesh Municipalities, Notified Areas and Town Areas (Alpakalik Vyavastha) Adhiniyam, 1977, hereinafter referred to as the principal Act, for the word and figures "June 30, 1988" wherever occurring, the word and figures "December 31, 1988" shall be *substituted*.

3. **Amendment of Section 3.**—In Section 3 of the principal Act, for the word and figures "June 30, 1988" the word and figures "December 31, 1988", shall be *substituted*.

1. Received the assent of the Governor on October 13, 1988 and published in the U.P. Gazette, Extra., Part-1, Section (ka), dated 13th October, 1988, pp. 2-3

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4. Amendment of Section 24 of U.P. Act No. 35 of 1978.—In Section 24 of the Uttar Pradesh Urban Local Self-Government Laws (Third Amendment) Act, 1978, for the word and figures "June 30, 1988" the word and figures "December 31, 1988" shall be *substituted*.

5. Repeal and saving.—(1) The Utttar Pradesh Urban Local Self-Government Laws (Amendment) Ordinance, 1988 (U.P. Ordinance No. 8 of 1988), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Acts referred to in Sections 2 and 4 as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the said Acts, as amended by this Act, as if the provisions of this Act were in force at all material times.

NOTES

Fresh legislation—Section 6 of General Clauses Act will also apply when the repeal is followed by a fresh legislation on the same subject unless the fresh legislation manifests an intention contrary to the provisions of Section 6. *State of Punjab* v. *Mohar Singh Pratap Singh*, 1955 SCR 893.

THE UTTAR PRADESH CO-OPERATIVE SOCIETIES (AMENDMENT) ACT, 1988[1]

[U.P. Act No. 13 of 1988]

(*As passed by the U.P. Legislature*]

CONTENTS

Sections

1. Short title and commencement.
2. Amendment of Section 29 of U.P. Act No. XI of 1966.
3. Amendment of Section 35.
4. Repeal and saving.

An Act further to amend the Uttar Pradesh Co-operative Societies Act, 1965

It is hereby, enacted in the Thirty-ninth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Uttar Pradesh Co-operative Societies (Amendment) Act, 1988.

(2) It shall be deemed to have come into force on June 24, 1988.

2. Amendment of Section 29 of U.P. Act No. XI of 1966.—In Section 29 of the Uttar Pradesh Co-operative Societies Act, 1965, hereinafter referred to as the principal Act, in sub-section (6) in the first proviso for the word and figures "June 30, 1988" the word and figures "December 31, 1988" shall be *substituted*.

3. Amendment of Section 35.—In Section 35 of the principal Act, in sub-section (6) in the proviso, for the word and figures "June 30, 1988" the word and figures "December 31, 1988" shall be *substituted*.

4. Repeal and saving.—(1) The Uttar Pradesh Co-operative Societies (Amendment) Ordinance, 1988 (U.P. Ordinance No. 7 of 1988), is hereby repealed.

1. Received the assent of the Governor on October 13, 1988 and published in the U.P. Gazette, Extra., Part-1, Section (ka), dated 13th October, 1988, p. 2

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(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act, as if the provisions of this Act were in force at all material times.

NOTES

Thing duly done—Ordinance issued by exercise of legislative power under a Constitution Act will survive repeal of the Constitution Act. *Rehman Shagoo* v. *State of J. & K.*, (1960) 1 SCR 680.

THE UTTAR PRADESH SUBORDINATE SERVICES SELECTION BOARD (AMENDMENT) ACT, 1988[1]

[U.P. Act No. 14 of 1988]

(*As passed by the Uttar Pradesh Legislature*)

CONTENTS

Sections

1. Short title and commencement.
2. Amendment of Section 3 of U.P. Act No. 7 of 1988.
3. Repeal and Saving.

An Act to amend the Uttar Pradesh Subordinate Services Selection Board Act, 1981

It is hereby enacted in the Thirty-ninth Year of the Republic of India as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Uttar Pradesh Subordinate Services Selection Board (Amendment) Act, 1988.

(2) It shall be deemed to have come into force on September 14, 1988.

2. **Amendment of Section 3 of U.P. Act No. 7 of 1988.**—In Section 3 of the Uttar Pradesh Subordinate Services Selection Board Act, 1988, hereinafter referred to as the principal Act, after clause (*e*), the following clause shall be *inserted*, namely :—

"(*f*) in the Governor's Secretariat".

3. **Repeal and Saving.**—(1) The Uttar Pradesh Subordinate Services Selection Board (Amendment) Ordinance, 1988 (U.P. Ordinance No. 14 of 1988), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act, as amended by the Ordinance, referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act, as if the provisions of this Act, were in force at all material times.

NOTES

When a statute enacts that something shall be deemed to have been done, which in fact and truth was not done, the court is entitled and bound to ascertain for what purposes and between what persons the statutory fiction is to be resorted to and full effect must be given to the statutory fiction and it should be carried to its logical conclusion. *State of Bombay* v. *Pandurang Vinayak*, 1953 SCR 773.

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1. Received the assent of the Governor on October 14, 1988 and published in the U.P. Gazette, Extra., Part-1, Section (ka), dated 14th October, 1988, p. 2

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THE UTTAR PRADESH STATE LEGISLATURE (MEMBERS' EMOLUMENTS AND PENSION) (AMENDMENT) ACT 1988[1]

[U.P. Act No. 17 of 1988]

(*As passed by the Uttar Pradesh Legislature*)

An Act further to amend the Uttar Pradesh State Legislature (Members' Emoluments and Pension) Act, 1988

It is hereby enacted in the Thirty-ninth Year of the Republic of India as follows :

1. Short title and commencement.—(1) This Act may be called the Uttar Pradesh State Legislature (Members' Emoluments and Pension) (Amendment) Act, 1988.

(2) It shall be deemed to have come into force on June 1, 1988.

2. Amendment of Section 5 of U.P. Act No. 23 of 1980.—In Section 5 of the Uttar Pradesh State Legislature (Members' Emoluments and Pension) Act, 1980, for the words "thirty-five thousand rupees" the words "thirty-eight thousand five hundred rupees" shall be *substituted*.

NOTES

Section 11 of the Pensions Act protects from attachment, seizure or sequestration pension or money due or to become due on account of any such pension. *Union of India* v. *Wing Commander R.R. Hingorani*, (1987) 1 SCC 551.

THE UTTAR PRADESH EXCISE (AMENDMENT) ORDINANCE, 1988[2]

[U.P. Ordinance No. 15 of 1988]

[*Promulgated by the Governor in the Thirty-ninth Year of the Republic of India*]

An Ordinance further to amend the United Provinces Excise Act, 1910

Whereas, the State Legislature is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action ;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor is pleased to promulgate the following Ordinance :

1. Short title.—This Ordinance may be called the Uttar Pradesh Excise (Amendment) Ordinance, 1988.

2. Amendment of Section 28 of U.P. Act No. 4 of 1910.—In Section 28 of the United Provinces Excise Act, 1910, in sub-section (3),—

(*i*) in clause (*a*), for the figure and words "4 per litre", occurring

1. Received the assent of the Govenor on October 14, 1988 and published in the U.P. Gazette, Extra., Part-1, Section (ka), dated 14th October, 1988, p. 2
2. Promulgated by the Governor on October 27, 1988 and published in the U.P. Gazette, Extra., Part-2, Section (ka), dated 27th October, 1988, p. 2

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against item 2(*a*) in the table, the figure and words "5 per litre" shall be *substituted*;

(*ii*) In each of the clauses (*c*), (*d*) and (*e*), for the figure and words "2 per litre" occurring against item 2(*a*) in the table, the figure and words "5 per litre" shall be *substituted*.

NOTES

The existence of necessity for promulgating the Ordinance is not justifiable. The validity of an Ordinance cannot be tested on grounds similar to those on which an executive or judicial action is tested. The propriety, expediency and necessity of a legislative act are for the determination of the legislative authority and are not for determination by the courts. An Ordinance passed either under Article 123 or under Article 213 of the Constitution stands on the same footing. *T. Venkata Reddy* v. *State of A.P.*, (1985) 3 SCC 198. *See also* (1985) 1 SCC 523.

THE UTTAR PRADESH HOMOEOPATHIC MEDICINE (AMENDMENT) ORDINANCE, 1988[1]

[U.P. ORDINANCE NO. 13 OF 1988]

[*Promulgated by the Governor in the Thirty-ninth Year of the Republic of India*]

CONTENTS

Sections

1. Short title.
2. Amendment of Section 53 of U.P. Act No. 8 of 1952.
3. Validation.

An Ordinance further to amend the Uttar Pradesh Homoeopathic Medicine Act, 1951

Whereas, the State Legislature is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor is pleased to promulgate the following Ordinance:—

1. **Short title.**—This Ordinance may be called the Uttar Pradesh Homoeopathic Medicine (Amendment) Ordinance, 1988.

2. **Amendment of Section 53 of U.P. Act No. 8 of 1952.**—In Section 53 of the Uttar Pradesh Homoeopathic Medicine Act, 1951, hereinafter referred to as the principal Act, for the words "eight years" the words "twelve years" shall be *substituted*.

3. **Validation.**—Notwithstanding anything contained in the principal Act, until another person is appointed as controller under Section 53 of the principal Act, as amended by this Ordinance, the controller exercising and performing the powers and duties of the Board of Homoeopathic Medicine, Uttar Pradesh immediately before August 8, 1985 shall, with effect from the said date, be deemed to have been appointed as controller under the aforesaid section and anything done or any action taken by him as controller at any time between August 8, 1985 and the date of commencement of this Ordinance shall be valid and operative.

NOTES

Legislation by Ordinance.—The power of legislation by Ordinance is as wide as the

1. Promulgated by the Governor on September 7, 1988 and published in the U.P. Gazette, Extra., Part-2, Section (ka), dated 7th September, 1988, pp. 2-3

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power of the Legislature. An Ordinance promulgated under Article 213 has the same force and effects as an Act of the Legislature of the State assented to by the Governor except that it must be laid before the Legislative Assembly of the State, and expires after the expiration of 6 weeks or earlier if it is withdrawn by the Governor or disapproved by the Legislature. *State of Punjab* v. *Satya Pal Dange*, AIR 1969 SC 903 : (1969) 1 SCR 478.

THE UTTAR PRADESH SUBORDINATE SERVICES SELECTION BOARD (AMENDMENT) ORDINANCE, 1988[1]

[U.P. Ordinance No. 14 of 1988]

[*Promulgated by the Governor in the Thirty-ninth year of the Republic of India*]

An Ordinance to amend the Uttar Pradesh Subordinate Services Selection Board Act, 1988

Whereas, the State Legislature is not in session and the Governor is satisfied that the circumstances exist which render it necessary for him to take immediate action ;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor is pleased to promulgate the following Ordinance :

1. **Short title**.—This Ordinance may be called the Uttar Pradesh Subordinate Services Selection Board (Amendment) Ordinance, 1988.

2. **Amendment of Section 3 of U.P. Act No. 7 of 1988**.—In Section 3 of the Uttar Pradesh Subordinate Services Selection Board Act, 1988, after clause (*e*), the following clause shall be *inserted*, namely,—

"(*f*) in the Governor's Secretariat."

NOTES

Legislation by Ordinance.—The power of legislation by Ordinance is as wide as the power of the Legislature. An Ordinance promulgated under Article 213 has the same force and effects as an Act of the Legislature of the State assented to by the Governor except that it must be laid before the Legislative Assembly of the State, and expires after the expiration of 6 weeks or earlier if it is withdrawn by the Governor or disapproved by the Legislature. *State of Punjab* v. *Satya Pal Dange*, AIR 1969 SC 903 : (1969) 1 SCR 478.

THE UTTAR PRADESH ADVOCATES WELFARE FUND (AMENDMENT) ORDINANCE, 1988[2]

[U.P. Ordinance No. 12 of 1988]

[*Promulgated by the Governor in the Thirty-ninth Year of the Republic of India*]

CONTENTS

Sections

1. Short title and commencement.
2. Amendment of Section 2 of U.P. Act No. 6 of 1974.
3. Amendment of Section 3.
4. Substitution of Section 8.

An Ordinance to amend the Uttar Pradesh Advocates Welfare Fund Act, 1974

1. Promulgated by the Governor on September 14, 1988 and published in the U.P. Gazette, Extra., Part-2, Section (kha), dated 14th September, 1988, p. 2
2. Promulgated by the Governor on August 17, 1988 and published in the U.P. Gazette, Extra., Part-2, Section (ka), dated 17th August, 1988, pp. 5-8

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Whereas the State Legislature is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action ;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor is pleased to promulgate the following Ordinance ;

1. Short title and commencement.—(1) This Ordinance may be called the Uttar Pradesh Advocates Welfare Fund (Amendment) Ordinance, 1988.

(2) It shall come into force on such date as the State Government may, by notification, appoint in this behalf.

2. Amendment of Section 2 of U.P. Act No. 6 of 1974.—In Section 2 of the Uttar Pradesh Advocate Welfare Fund Act, 1974, hereinafter referred to as the principal Act, after clause (*d*), the following clauses shall be *inserted*, namely—

"(*e*) 'Welfare Stamp' means the stamp referred to in Section 9 ;

(*f*) 'Vakalatnama' includes a memorandum of appearance or any other document by which an advocate is empowered to appear, act or plead before any court, tribunal, authority or person but does not include any Vakalatnama or memorandum of appearance filed on behalf of the State Government or an officer representing the State Government."

3. Amendment of Section 3.—In Section 3 of the principal Act—

(*a*) in sub-section (1), after clause (*b*), the following clause shall be *inserted*, namely—

"(*bb*) the organisation of Advocate Special Security Fund Scheme hereinafter referred to as the Scheme, for such advocates as become members of the Scheme ;"

(*b*) in sub-section (2), after clause (*g*), the following clauses shall be *inserted*, namely :—

"(*h*) the sale proceeds of stamps transferred by the State Government in accordance with Section 10 ;

(*i*) all admission fees and annual subscription, for membership of the Scheme received in accordance with Section 11 and interest, if any, thereon."

4. Substitution of Section 8.—For Section 8 of the principal Act, the following sections shall be *substituted*, namely :—

"*8. Contribution by State Bar Council.*—The State Bar council shall contribute to the Fund rupees one lakh on the date of commencement of the Uttar Pradesh Advocates Welfare Fund (Amendment) Ordinance, 1988 and thereafter annually, an amount equal to twenty five per centum of the fees realised by it on account of enrolment of Advocates during the year.

9. Welfare stamp on Vakalatnama.—(1) Every member of the Scheme shall affix on the Vakalatnama accepted by him a Welfare Stamp of the value of five rupees in the case of Vakalatnama filed in the High Court or a Tribunal or any other authority or person and two rupees

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in any other case and no court, tribunal authority or person shall receive any Vakalatnama in favour of such member unless it is so stamped in addition to any stamp required under any other law for the time being in force.

(2) The value of the Welfare stamp shall neither be taxable cost in the suit or proceeding nor be collected in any event from a party to such suit or proceeding.

(3) Any contravention of the provisions of sub-section (2) by any member shall disentitle him to the benefits of the Scheme and shall be deemed to be a misconduct and the Trustee Committee shall report the matter to the State Bar Council for appropriate action.

(4) Every Welfare Stamp affixed on a Vakalatnama under sub-section (1) shall be cancelled in the manner provided in Section 30 of the Court Fees Act, 1870.

10. Printing and sale of welfare stamps.—(1) The State Government shall cause to be printed Welfare Stamps for the purposes of this Act, in such design and such denomination as it thinks fit with the words "Welfare Stamp" printed thereon.

(2) The State Government shall control the distribution and sale of Welfare stamps through stamp vendors appointed by it for the sale of court fee stamps of through such other agency as it may deem fit.

(3) The State Government shall, at the close of every financial year transfer the sale proceeds of the Welfare Stamps after deducting the costs incurred in printing, sale and distribution of the stamps to the account of the Fund.

(4) The State Government shall furnish to the Trustees Committee a Statement containing the number of welfare stamps printed and sold, the details of costs deducted and the amount transferred under this section to the account of the Fund, within three months of such transfer.

11. Membership of the scheme.—(1) Any advocate may apply to the Secretary, Trustees Committee in such form as may be prescribed, for admission as a member of the Scheme.

(2) Every applicant shall pay in the prescribed manner an admission fee of one hundred rupees in lump sum with the application.

(3) The Trustees Committee may, on receipt of the application and the admission fee, make such inquiry as it deems fit and shall either admit the applicant to the membership of the Scheme, or for reasons to be recorded in writing, reject the application and refund the amount paid towards admission fee :

Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard.

(4) The membership of an applicant so admitted shall be deemed to have commenced on the first day of January of the year in which the application was made or the date of enrolment of the applicant as an Advocate, whichever is later.

(5) Every member of the Scheme shall pay in the prescribed manner an annual subscription for every calendar year on or before the thirty-first

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day of December of that year at the rate of—

(*a*) fifty rupees, where he has practised as an advocate for not more than 5 years;

(*b*) one hundred rupees, where he has practised as an advocate for more than 5 years but not more than 10 years;

(*c*) two hundred and fifty rupees, where he has practised as an advocate for more than 10 years.

Explanation.—For the purposes of this sub-section,—

(*i*) practice as an advocate includes practice as a pleader or other legal practitioner enrolled under the Legal Practitioners Act, 1879 or as an Advocate on the roll of any Bar Council constituted under the Advocates Act, 1961;

(*ii*) the period of practice shall be reckoned as on the first day of the calendar year for which the subscription is payable or the date of enrolment as a legal practitioner or an Advocate, whichever is later.

12. Cessation of membership and readmission.—(1) A member of the Scheme shall cease to be such member, if

(*a*) he dies,

(*b*) his name is removed from the State Roll maintained by the State Bar Council;

(*c*) he resigns the membership;

(*d*) he is in arrears of annual subscription for a period of two years or more and the Trustees Committee after giving him an opportunity to show cause, terminates his membership.

(2) An advocate who has ceased to be a member of the Scheme, may, on his written application and on payment of the arrears of annual subscription which he would have paid, if his membership had continued, together with interest thereon at the rate of eighteen per centum per annum, be readmitted to the membership of the Scheme provided his name is restored or, as the case may be, continues on the State Roll maintained by the State Bar Council.

13. Payment from the Fund on cessation of membership.—(1) A member of the Scheme shall, on ceasing to be such member, be entitled to receive from the Fund—

(*a*) an amount equal to the aggregate of annual subscriptions paid by him, if he has been a member for a period of less than 5 years,

(*b*) an amount calculated at the rate of Rs. 1000 for every completed year of his membership, if he has been a member for a period of five years or more subject to a maximum of Rs. 50,000.

(2) In the event of a death of a member the amount payable under sub-section (1) shall be paid to his nominee, or where there is no nominee, to his legal heirs.

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Explanation.—For the purposes of this sub-section, the term member includes a person who dies after ceasing to be a member before receiving payment under sub-section (1).

14. Restriction on alienation attachment, etc. of interest of members.—Notwithstanding any thing contained in any other law for the time being in force, the right or interest of any member of the scheme or his nominee or legal heirs to receive any amount from the Fund under Section 13 shall not be alienated or charged and shall not be liable to attachment under any decree or order of any court.

15. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the trustees Committee, or any member or officer thereof in respect of anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

16. Power to make rules.—(1) The State Government may, by notification; make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the form and the manner in which application for membership of the scheme may be made;

(*b*) the manner of payment of admission fee and annual subscription for the membership of the Scheme;

(*c*) the form and the manner in which the list of members of the scheme shall be maintained and its copies or extracts shall be communicated to courts to enable them to ensure compliance of the provision of Section 9;

(*d*) the form and the manner in which application for payment under Section 13 shall be made and the procedure of inquiry, if any, to be made by the Trustees Committee for such payment;

(*e*) the form and the manner in which nomination to receive payment under Section 13 may be made;

(*f*) any other matter which has to be or may be prescribed."

NOTES

The existence of necessity for promulgating the Ordinance is not justifiable. The validity of an Ordinance cannot be tested on grounds similar to those on which an executive or judicial action is tested. The propriety, expediency and necessity of a legislative act are for the determination of the legislative authority and are not for determination by the courts. An Ordinance passed either under Article 123 or under Article 213 of the Constitution stands on the same footing. *T. Venkata Reddy* v. *State of A.P.*, (1985) 3 SCC 198. *See also* (1985) 1 SCC 523.

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THE UTTAR PRADESH HOMOEOPATHIC MEDICINE (AMENDMENT) ACT, 1988[1]

(U.P. Act No. 22 of 1988)

[*As passed by the U.P. Legislature*]

CONTENTS

Sections

1. Short title and commencement.
2. Amendment of Section 53 of U.P. Act No. 8 of 1952.
3. Validation.
4. Repeal and saving.

An Act further to amend the Uttar Pradesh Homoeopathic Medicine Act, 1951

It is hereby enacted in the Thirty-ninth year of the Republic of India as follows :

1. Short title and commencement.—(1) This Act may be called the Uttar Pradesh Homoeopathic Medicine (Amendment) Act, 1988.

(2) It shall be deemed to have come into force on September 7, 1988.

NOTES

When the legislature fixes the date and clearly express the intention that the Act shall come into force from that date, it is immaterial whether the bill after having passed by both the Houses, receives the assent of the Governor or President, as the case may be, prior to such date or subsequently. In either case, the intention being expressed and manifest, the Act shall come into force on that date. *Guntur Dist. Coop. Mktg. Society Ltd.* v. *State of A.P.*, (1967) 20 STC 476 (AP).

2. Amendment of Section 53 of U.P. Act No. 8 of 1952.—In Section 53 of the Uttar Pradesh Homoeopathic Medicine Act, 1951, hereinafter, referred to as the principal Act in sub-section (1) *for* the words "eight years" the words "twelve years" shall be *substituted*.

3. Validation.—Notwithstanding anything contained in the principal Act, until another person is appointed as Controller under Section 53 of the principal Act, as amended by this Act the Controller exercising and performing the powers and duties of the Uttar Pradesh Homoeopathic Medicine Board immediately before August 8, 1985 shall, with effect from the said date, be deemed to have been appointed as Controller under the aforesaid section and anything done or any action taken by him as Controller at any time between August 8, 1985 and the date of commencement of this Act shall be valid and operative.

4. Repeal and saving.—(1) The Uttar Pradesh Homoeopathic Medicine (Amendment) Ordinance, 1988, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the Ordinance, referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act, as if the provisions of this Act were in force at all material times.

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1. Received the assent of the Governor on October 15, 1988 and published in the U.P. Gazette, Extra., Part-1, Section (ka), dated 15th October, 1988, pp. 2-3

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THE UTTAR PRADESH ADVOCATES WELFARE FUND (AMENDMENT) ACT, 1988[1]

(U.P. Act No. 21 of 1988)

[*As passed by the U.P. Legislature*)

CONTENTS

Sections

1. Short title and commencement.
2. Amendment of Section 2 of U.P. Act No. 6 of 1974.
3. Amendment of Section 3.
4. Substitution of Section 8.
5. Repeal.

An Act to amend the Uttar Pradesh Advocates Welfare Fund Act, 1974

It is hereby enacted in the Thirty-ninth Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Uttar Pradesh Advocates Welfare Fund (Amendment) Act, 1988.

(2) It shall come into force on such date as the State Government may, by notification, appoint in this behalf.

2. Amendment of Section 2 of U.P. Act No. 6 of 1974.—In Section 2 of the Uttar Pradesh Advocates Welfare Fund Act, 1974, hereinafter referred to as the principal Act, after clause (*d*), the following clauses shall be *inserted*, namely :—

"(*e*) 'Welfare Stamp' means the stamp referred to in Section 9;

(*f*) 'Vakalatnama' includes a memorandum of appearance or any other document by which an advocate is empowered to appear, act or plead before any court, tribunal, authority or person but does not include any Vakalatnama or memorandum of appearance filed on behalf of the State Government or an officer representing the State Government."

NOTES

Normally definitions are enacted subject to qualification such as 'unless there is anything in the subject or context'. But it is quite unusual to say that a statutory definition does not mean or include what it plainly means or includes, particularly when its application to the various provisions of the Act does not present much difficulty (*M.P. State Road Transport Corporation* v. *Industrial Court*, AIR 1971 MP 54).

3. Amendment of Section 3.—In Section 3 of the principal Act—

(*a*) in sub-section (1), after clause (*b*), the following clause shall be *inserted*, namely—

"(*bb*) the organisation of Advocate Social Security Fund Scheme hereinafter referred to as the Scheme, for such advocates as become members of the Scheme;"

(*b*) in sub-section (2), after clause (*g*), the following clauses shall be *inserted*, namely—

"(*h*) the sale proceeds of stamps transferred by the State Government in accordance with Section 10;

1. Received the assent of the Governor on October 15, 1988 and published in the U.P. Gazette. Extra., Part-1, Section (ka) dated 15th October, 1988, pp. 5-7

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(*i*) all admission fees and annual subscriptions, for membership of the Scheme received in accordance with Section 11 and interest, if any, thereon."

4. **Substitution of Section 8.**—For Section 8 of the principal Act, the following sections shall be *substituted*; namely—

"*8. Contribution by State Bar Council.*—The State Bar Council shall contribute to the Fund rupees one lakh on the date of commencement of the Uttar Pradesh Advocates Welfare Fund (Amendment) Act, 1988 and thereafter annually, an amount equal to twenty five per centum of the fees realised by it on account of enrolment of Advocates during the year.

9. Welfare stamp on Vakalatnama.—(1) Every member of the Scheme shall affix on the Vakalatnama accepted by him a Welfare Stamp of the value of five rupees in the case of Vakalatnama filed in the High Court or a Tribunal or any other authority or person and two rupees in any other case and no court, tribunal, authority or person shall receive any Vakalatnama in favour of such member unless it is so stamped in addition to any stamp required under any other law for the time being in force.

(2) The value of the Welfare Stamp shall neither be taxable cost in the suit or proceeding nor be collected in any event from a party to such suit or proceeding.

(3) Any contravention of the provisions of sub-section (2) by any member shall disentitle him to the benefits of the Scheme and shall be deemed to be a misconduct and the Trustees Committee shall report the matter to the State Bar Council for appropriate action.

(4) Every Welfare Stamp affixed on a Vakalatnama under sub-section (1) shall be cancelled in the manner provided in Section 30 of the Court Fees Act, 1870.

10. Printing and sale of Welfare Stamps.—(1) The State Government shall cause to be printed Welfare Stamps for the purposes of this Act, in such design and such denomination as it thinks fit with the words "Welfare Stamp" printed thereon.

(2) The State Government shall control the distribution and sale of Welfare Stamps through stamp vendors appointed by it for the sale of court fee stamps or through such other agency as it may deem fit.

(3) The State Government shall, at the close of every financial year transfer the sale proceeds of the Welfare Stamps after deducting the costs incurred in printing, sale and distribution of the stamps to the account of the Fund.

(4) The State Government shall furnish to the Trustees Committee a Statement containing the number of Welfare Stamps printed and sold, the details of costs deducted and the amount transferred under this section to the account of the Fund, within three months of such transfer.

11. Membership of the Scheme.—(1) Any advocate may apply to the

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Secretary, Trustees Committee in such from as may be prescribed, for admission as a member of the Scheme.

(2) Every applicant shall pay in the prescribed manner an admission fee of one hundred rupees in lump sum with the application.

(3) The Trustees Committee may, on receipt of the application and the admission fee, make such inquiry as it deems fit and shall either admit the applicant to the membership of the Scheme, or for reasons to be recorded in writing, reject the application and refund the amount paid towards admission fee :

Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard.

(4) The membership of an applicant so admitted shall be deemed to have commenced on the first day of January of the year in which the application was made or the date of enrolment of the applicant as an Advocate, whichever is later.

(5) Every member of the Scheme shall pay in the prescribed manner an annual subscription for every calendar year on or before the thirty-first day of December of that year at the rate of—

(*a*) fifty rupees, where he has practised as an advocate for not more than 5 years ;

(*b*) one hundred rupees, where he has practised as an advocate for more than 5 years but not more than 10 years ;

(*c*) two hundred and fifty rupees, where he has practised as an advocate for more than 10 years.

Explanation.—For the purposes of this sub-section,—

(*i*) practice as an advocate includes practice as a pleader or other legal practitioner enrolled under the Legal Practitioners Act, 1879 or as an Advocate on the roll of any Bar Council constituted under the Advocates Act, 1961 ;

(*ii*) the period of practice shall be reckoned as on the first day of the calendar year for which the subscription is payable or the date of enrolment as legal practitioner or an Advocate, whichever is later.

12. Cessation of membership and readmission.—(1) A member of the Scheme shall cease to be such member, if—

(*a*) he dies,

(*b*) his name is removed from the State Roll maintained by the State Bar Council ;

(*c*) he resigns the membership ;

(*d*) he is in arrears of annual subscription for a period of two years or more and the Trustees Committee after giving him an opportunity to show cause, terminates his membership.

(2) An advocate who has ceased to be a member of the Scheme, may, on his written application and on payment of the arrears of annual subscription which he would have paid, if his membership had

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continued, together with interest thereon at the rate of eighteen per centum per annum, be readmitted to the membership of the Scheme provided his name is restored or, as the case may be, continues on the State Roll maintained by the State Bar Council.

13. Payment from the Fund on cessation of membership.—(1) A member of the Scheme shall on ceasing to be such member, be entitled to receive from the Fund—

(*a*) an amount equal to the aggregate of annual subscriptions paid by him, if he has been a member for a period of less than 5 years,

(*b*) an amount calculated at the rate of Rs. 1000 for every completed year of his membership, if he has been a member for a period of five years or more subject to a maximum of Rs. 50,000.

(2) In the event of death of a member the amount payable under sub-section (1) shall be paid to his nominee, or where there is no nominee, to his legal heirs.

Explanation.—For the purposes of this sub-section, the term member includes a person who dies after ceasing to be a member before receiving payment under sub-section (1).

14. Restriction on alienation attachment, etc. of interest of members.—Notwithstanding any thing contained in any other law for the time being in force, the right or interest of any member of the Scheme or his nominee or legal heirs to receive any amount from the Fund under Section 13 shall not be alienated or charged and shall not be liable to attachment under any decree or order of any court.

15. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the Trustees Committee, or any member or officer thereof in respect of anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

16. Power to make rules.—(1) The State Government may, by notification; make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely—

"(*a*) the form and the manner in which application for membership of the Scheme may be made;

(*b*) the manner of payment of admission fee and annual subscription for the membership of the Scheme;

(*c*) the form and the manner in which the list of members of the Scheme shall be maintained its and copies or extracts shall be communicated to courts to enable them to ensure compliance of the provision of Section 9;

(*d*) the form and the manner in which application for payment under Section 13 shall be made and the procedure of inquiry, if any, to be made by the Trustees Committee for such payment;

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(*e*) the form and the manner in which nomination to receive payment under Section 13 may be made;

(*f*) any other matter which has to be or may be prescribed."

5. **Repeal**.—The Uttar Pradesh Advocates Welfare Fund (Amendment) Ordinance, 1988 (U.P. Ordinance No. 12 of 1988), is hereby repealed.

THE UTTAR PRADESH SALES OF MOTOR SPIRIT, DIESEL OIL AND ALCOHOL TAXATION (AMENDMENT) ORDINANCE, 1988[1]

[U.P. ORDINANCE NO. 16 OF 1988]

(*Promulgated by the Governor in the Thirty-ninth Year of the Republic of India*)

An Ordinance further to amend the United Provinces Sales of Motor Spirit, Diesel Oil and Alcohol Taxation Act, 1939

Whereas, the State Legislature is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor is pleased to promulgate the following Ordinance:—

1. **Short title**.—This Ordinance may be called the Uttar Pradesh Sales of Motor Spirit, Diesel Oil and Alcohol Taxation (Amendment) Ordinance, 1988.

2. **Amendment of Section 3 of U.P. Act No. 1 of 1939**.—In Section 3 of the Uttar Pradesh Sales of Motor Spirit, Diesel Oil and Alcohol Taxation Act, 1939, in sub-section (1), the following explanation shall be *inserted* at the end, namely:—

"*Explanation*.—In this sub-section, the expression 'first sale' shall mean,—

(*a*) in case of dealers registered as Messrs Indian Oil Corporation Limited, Messrs Bharat Petroleum Corporation Limited, Messrs Hindustan Petroleum Corporation Limited and Messrs Indo-Burma Petroleum Corporation Limited, the sale at the stage when such dealers make sale of motor spirit or diesel oil to a dealer other than the said dealers for the first time in the State of Uttar Pradesh; and

(*b*) in case of any other dealer who has not purchased the said goods from any of the dealers referred to by name in clause (*a*) of this explanation the sale at the stage at which such dealer sells motor spirit or diesel oil for the first time in the State of Uttar Pradesh."

NOTES

Under Article 123 the Ordinances are limited in life and the Ordinance must be laid

1. Promulgated by the Governor on November 3, 1988 and published in the U.P. Gazette, Extra., Part-2, Section (ka), dated 3rd November, 1988, pp. 2-3

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before Parliament and the life of the Ordinance may be further shortened. The power under Article 123 relates to policy and to an emergency when immediate action is considered necessary and if an objective test it applied the satisfaction of the President contemplated in Article 123 will be shorn of the power of the President himself and as the President will be acting on the advice of Ministers it may lead to disclosure of facts which under Article 75(4) are not to be disclosed. For these reasons it must be held that the satisfaction of the President is subjective. *Rustom Cavasjee Cooper* v. *Union of India*, (1970) 1 SCC 248.

THE UTTAR PRADESH KRISHI UTPADAN MANDI SAMITIS (ALPAKALIK VYAWASTHA) (SANSHODHAN) ADHINIYAM, 1988[1]

(U.P. Act No. 18 of 1988)

[*As passed by the U.P. Legislature*]

CONTENTS

Sections

1. Short title and commencement.
2. Amendment of Section 2 of U.P. Act No. 7 of 1972.
3. Repeal and saving.

An Act further to amend the Uttar Pradesh Krishi Utpadan Mandi Samitis (Alpakalik Vyawastha) Adhiniyam, 1972

It is hereby, enacted in the Thirty-ninth Year of the Republic of India as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Uttar Pradesh Krishi Utpadan Mandi Samitis (Alpakalik Vyawastha) (Sanshodhan) Adhiniyam, 1988.

(2) It shall be deemed to have come into force on June 24, 1988.

NOTES

In *State of U.P.* v. *Mahavir Prasad*, 1966 ALJ 796 : 1969 All WR 316, the date of commencement of the order was not stated. The order gives rise to offences and therefore the figure to give date of commencement of the order must lead to the conclusion that it cannot be deemed to have come into operation. The order is not a Central Act and hence the provisions of Section 5 of the General Clauses Act, 1897, cannot be invoked.

2. **Amendment of Section 2 of U.P. Act No. 7 of 1972.**—In Section 2 of the Uttar Pradesh Krishi Utpadan Mandi Samitis (Alpakalik Vyawastha) Adhiniyam, 1972, hereinafter referred to as the principal Act, in sub-section (1), for the words "five years" the words "six years" shall be substituted and be deemed always to have been *substituted*.

3. **Repeal and Saving.**—(1) The Uttar Pradesh Krishi Utpadan Mandi Samitis (Alpakalik Vyawastha) (Sanshodhan) Adhyadesh, 1988 (U.P. Ordinance No. 9 of 1988), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act, as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act, as if the provisions of this Act were in force at all material times.

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1. Received the assent of the Governor on October 15, 1988 and published in the U.P. Gazette, Extra., Part-1, Section (ka), dated 15th October, 1988, p. 2

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[U.P. ACT. NO. 15 OF 1987; 1987 LLT-IV-26]

THE UTTAR PRADESH STATE ROAD TRANSPORT CORPORATION EMPLOYEES (OTHER THAN OFFICERS) (APPOINTING AUTHORITIES) ACT, 1987

Prefatory Note—Statement of Objects & Reasons.—Under the resolutions passed by the Uttar Pradesh State Road Transport Corporation under clause (*c*) of sub-section (1) of Section 12 of the Road Transport Corporation Act, 1950 certain officers of the Corporation were authorised to act as appointing authorities of the employees, other than officers, of the Corporation. In exercise of the powers under sub-section (2) of Section 45 of the said Act and in supersession of all existing regulations and orders on the subject, the Corporation made the Uttar Pradesh State Road Transport Corporation Employees (Other than Officers) Service Regulations, 1981 which came into force on June 19, 1981. The said Regulations, *inter alia*, provided that the appointing authority shall be the Board of Directors or any officer authorised by it, though it was only by the Road Transport Corporation (Amendment) Act, 1982, which came into force with effect from November 13, 1982, that the general superintendence, direction and management of the affairs and business of the Corporation had been vested in a Board of Directors. In spite of the commencement of the said Regulations and the amendments made in the said Act of 1950 by the aforesaid amending Act of 1982 the Officers authorised by the Corporation, prior to June 19, 1981, to act as appointing authorities of the employees, other than Officers, of the Corporation, passed certain orders acting as appointing authorities, most of which were challenged in the Allahabad High Court through writ petitions. The High Court quashed those orders on the ground that such authorised officers were not the appointing authorities when they passed the impugned orders.

For the purpose of running the said Corporation it is essential to employ service personnel to run the Road Transport service which is State Government service. Such service is now being carried on through the agency of the said Corporation which is under total control of the State Government. The State Legislature is competent for creating and laying down conditions of service of the service personnel of such service. It was, therefore, decided to provide for appointment of the appointing authorities of the employees, other than officers, of the Uttar Pradesh State Road Transport Corporation with effect from June 19, 1981 and to validate the actions aforesaid.

Since the State Legislature was not in session and immediate legislative action in the matter was necessary, the Uttar Pradesh State Road Transport Corporation Employees (Other than Officers) (Appointing Authorities) Ordinance, 1987 (U.P. Ordinance No. 9 of 1987) was promulgated by the Governor on May 17, 1987.

This Bill is introduced to replace the aforesaid Ordinance.

THE INDIAN STAMP (UTTAR PRADESH AMENDMENT) ACT, 1988[1]

[U.P. Act No. 23 of 1988]

(*As passed by the U.P. Legislature*)

CONTENTS

Sections		*Sections*	
1.	Short title, extent and commencement.	5.	Amendment of Article 23 of the said Schedule.
2.	Amendment of Article 3 of Schedule I-B to Act No. 2 of 1899.	6.	Substitution of Article 24 of the said Schedule.
3.	Amendment of Article 6 of the said Schedule.	7.	Amendment of Article 48 of the said Schedule.
4.	Amendment of Article 15 of the said Schedule.	8.	Repeal and saving.

An Act further to amend the Indian Stamp Act, 1899, in its application to Uttar Pradesh

1. Received the assent of the President on November 8, 1988 and published in the U.P. Gazette, Extra., Part-1, Section (ka), dated 11th November, 1988, pp. 4-6

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It is hereby enacted in the Thirty-ninth Year of the Republic of India as follows :

1. **Short title, extent and commencement.**—(1) This Act may be called the Indian Stamp (Uttar Pradesh Amendment) Act, 1988.

(2) It shall extend to the whole of Uttar Pradesh.

(3) It shall be deemed to have come into force on June 24, 1988.

2. **Amendment of Article 3 of Schedule I-B to Act No. 2 of 1899.**—In Schedule 1-B to the Indian Stamp Act, 1899, hereinafter referred to as the said Schedule, in Article 3 (Adoption-Deed), in the column relating to the "Proper Stamp Duty" for the words "Seventy-five rupees" the words "one hundred rupees" shall be *substituted*.

3. **Amendment of Article 6 of the said Schedule.**—In the said Schedule, in Article 6 (Agreement relating to deposit of title deeds, pawn or pledge), in clause (2), in sub-clause (*a*), in the column relating to the "Proper stamp duty" for the figures set out in Column 1 of the table below, the figures set out respectively against them in Column 2 thereof shall be *substituted*, namely :—

Column 1	*Column 2*
Rs. P.	Rs. P.
1·50	3·00
3·00	6·00
4·50	9·00
6·00	12·00
7·50	15·00
9·00	18·00
12·00	24·00
18·75	37·50
37·50	75·00
56·25	112·50
75·00	150·00
112·50	225·00
150·00	300·00
187·50	375·00
225·00	450·00
75·00	150·00

4. **Amendment of Article 15 of the said Schedule.**—In the said Schedule, in Article 15 (Bond), in the column relating to the "Proper stamp duty", for the words set out in Column 1 of the table below, the words set out respectively against them in Column 2 thereof shall be *substituted*,

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namely :—

Column 1	*Column 2*
Rs. P.	Rs. P.
One rupee	One rupee and fifty paise
Two rupees and fifty paise	Three rupees
Four rupees and seventy-five paise	Five rupees and fifty paise
Nine rupees and fifty paise	Eleven rupees
Fourteen rupees and twenty-five paise	Sixteen rupees and fifty paise
Nineteen rupees	Twenty-two rupees
Twenty-three rupees and seventy-five paise	Twenty-seven rupees and fifty paise
Twenty-eight rupees and fifty paise	Thirty-three rupees
Thirty-three rupees and twenty-five paise	Thirty-eight rupees and fifty paise
Thirty-eight rupees	Forty-four rupees
Forty-two rupees and seventy-five paise	Forty-nine rupees and fifty paise
Forty-seven rupees and fifty paise	Fifty-five rupees
Twenty-three rupees and seventy-five paise	Twenty-seven rupees and fifty paise.

5. Amendment of Article 23 of the said Schedule.—In the said Schedule, in Article 23 (Conveyance), in the column relating to "Proper stamp duty" for the figures set out in Column 1 of the table below, the figures set out respectively against them in Column 2 thereof shall be *substituted*, namely :—

Column 1	*Column 2*
Rs. P.	Rs. P.
4·75	6·25
9·50	12·50
19·00	25·00
28·50	37·50
38·00	50·00
47·50	62·50
57·00	75·00
66·50	87·50
76·00	100·00
85·50	112·50
95·00	125·00
47·50	62·50

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6. **Substitution of Article 24 of the said Schedule.**—In the said Schedule, for Article 24 (Copy or extract), the following Article shall be *substituted*, namely :—

"24. Copy or extract certified to be a true copy or extract by or by order of any public officer and not chargeable under the law for the time being in force relating to court fees—	
(*i*) if the original was not chargeable with duty or if the duty with which it was chargeable does not exceed three rupees.	Two rupees and twenty-five paise when the copy or extract is of an agricultural lease or of a mortgage-deed or sale-deed of agricultural land ; in any other case, five rupees.
(*ii*) in any other case not falling within the provisions of Section 6-A.	Three rupees, when the copy of extract is of an agricultural lease or of a mortgage-deed or sale-deed of agricultural land and the value of the subject-matter of the original does not exceed one thousand rupees ; in any other case ten rupees.
or	
Exemption	
(*a*) Copy of any paper which a public officer is expressly required by law to make or furnish for record in any public office or for any public purpose.	
(*b*) Copy of, or extract from, any register relating to births, baptisms, namings, dedications, marriages, divorces, deaths or burials."	

7. **Amendment of Article 48 of the said Schedule.**—In the said Schedule, in Article 48 (Power of Attorney)—

(*a*) in clause (*b*), in the column relating to "Proper stamp duty," for the words "Six rupees" the words "Ten rupees" shall be *substituted* ;

(*b*) in clause (*c*), in the column relating to "Proper stamp duty" for the words "Twenty-four rupees" the words "Fifty rupees" shall be *substituted* ;

(*c*) in clause (*d*), in the column relating to "Proper stamp duty" for the words "Forty-eight rupees" the words "One hundred rupees" shall be *substituted* ;

(*d*) In clause (*f*), in the column relating to "Proper stamp duty" for the words "Six rupees" the words "Ten rupees" shall be *substituted*.

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8. Repeal and saving.—(1) The Indian Stamp (Uttar Pradesh Amendment) Ordinance, 1988 (U.P. Ordinance No. 6 of 1988), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the Act referred to in Section 2, as amended by the Ordinance referred to sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the said Act, as amended by this Act, as if the provisions of this Act were in force at all material time.

NOTES

Under Article 123 the Ordinances are limited in life and the Ordinance must be laid before Parliament and the life of the Ordinance may be further shortened. The power under Article 123 relates to policy and to an emergency when immediate action is considered necessary any if an objective test is applied the satisfaction of the President contemplated in Article 123 will be shorn of the power of the President himself and as the President will be acting on the advice of Ministers it may lead to disclosure of facts which under Article 75(4) are not to be disclosed. For the reasons it must be held that the satisfaction of the President is subjective. *Rustom Cavasjee Cooper* v. *Union of India*, (1970) 1 SCC 248, 275, 276, 277, 347, 348, 350 : AIR 1970 SC 564 : (1970) 40 Com Cas 325.

THE UTTAR PRADESH ZILA PARISHADS (ALPAKALIK VYAWASTHA) (DWITIYA SANSHODHAN) ADHINIYAM, 1988[1]

(U.P. Act No. 20 of 1988)

[*As passed by the U.P. Legislature*]

CONTENTS

Sections		*Sections*	
1.	Short title and commencement.		No. 15 of 1977.
2.	Amendment of Section 2 of U.P. Act	3.	Repeal and saving.

An Act further to amend the Uttar Pradesh Zila Parishads (Alpakalik Vyawastha) Adhiniyam, 1977

It is hereby enacted in the Thirty-ninth Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Uttar Pradesh Zila Parishads (Alpakalik Vyawastha) (Dwitiya Sanshodhan) Adhiniyam, 1988.

(2) It shall be deemed to have come into force on August 17, 1988.

2. Amendment of Section 2 of U.P. Act No. 15 of 1977.—In Section 2 of the Uttar Pradesh Zila Parishads (Alpakalik Vyawastha) Adhiniyam, 1977, hereinafter referred to as the principal Act, in sub-section (1), for the words and figures "30th day of September, 1988" the words and figures "31st day of December, 1988" shall be *substituted*.

3. Repeal and saving.—(1) The Uttar Pradesh Zila Parishads (Alpakalik Vyawastha) (Sanshodhan) Adhiniyam, 1988 (U.P. Ordinance No. 11 of 1988), is hereby repealed.

1. Received the assent of the Governor on October 15, 1988 and published in the U.P. Gazette, Extra., Part-1, Section (ka), dated 15th October, 1988, p. 2

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(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act, as if this Act, were in force at all material times.

NOTES

The provision of Section 6 of the General Clauses Act will apply to a case of repeal even if there is a simultaneous-re-enactment unless a contrary intention can be gathered from the new statute. *T.S. Baliah* v. *T.S. Rangachari, I.T.O., Central Circle*, (1969) 3 SCR 65: AIR 1969 SC 701, 705: 72 ITR 787.

THE UTTAR PRADESH SHRI BADRINATH AND SHRI KEDARNATH TEMPLES (AMENDMENT) ACT, 1988[1]

[U.P. Act No. 19 of 1988]

(*As passed by the U.P. Legislature*)

CONTENTS

Sections

1. Short title and commencement.
2. Amendment of Section 11 of U.P. Act No. 16 of 1939.
3. Repeal and saving.

An Act further to amend the Uttar Pradesh Shri Badrinath and Shri Kedarnath Temples Act, 1939

It is hereby enacted in the Thirty-ninth Year of the Republic of India of follows :—

1. Short title and commencement.—(1) This Act may be called the Uttar Pradesh Shri Badrinath and Shri Kedarnath Temples (Amendment) Act, 1988.

(2) It shall be deemed to have come into force on August 17, 1988.

NOTES

When the legislature fixes the date and clearly express the intention that the Act shall come into force from that date, it is immaterial whether the bill after having been passed by both the Houses, receives the assent of the Governor or President, as the case may be, prior to such date or subsequently. In either case, the intention being expressed and manifest, the Act shall come into force on that date. *Guntur Dist. Co-op. Mktg. Society Ltd.* v. *State of A.P.*, (1967) 20 STC 476 (AP).

2. Amendment of Section 11 of U.P. Act No. 16 of 1939.—In Section 11 of the Uttar Pradesh Shri Badrinath and Sri Kedarnath Temples Act, 1939, hereinafter referred to as the principal Act, in sub-section (2-A), for the words "of six months" the words "ending with December 31, 1988" shall be *substituted* and shall be deemed always to have been substituted.

3. Repeal and saving.—(1) The Uttar Pradesh Shri Badrinath and Shri Kedarnath Temples (Amendment) Ordinance, 1988 (U.P. Ordinance No. 10 of 1988), is hereby repealed.

1. Received the assent of the Governor on October 15, 1988 and published in the U.P. Gazette, Extra., Part-1, Section (ka), dated 15th October, 1988, p. 2

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(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act, as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act, as if the provisions of this Act were in force at all material times.

———

END OF THIS PART

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PART V

Notifications, Orders, Rules and Regulations issued by U.P. Government, Allahabad High Court, U.P. Board of Revenue and Allahabad Bar Council

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[1] **English translation of Parivahan Anubhag-4, Noti. No. 732-T-XXX-4—9-P-82, dated October 24, 1986, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 24th October, 1986, pp. 3-4**

In exercise of the powers under Section 127-B of the **Motor Vehicles Act, 1939** (Act No. 4 of 1939) read with Section 21 of the General Clauses Act, 1897 (Act No. X of 1897) and in supersession of Government Notification No. 4687-T/XXX-4—13-P-84, dated January 23, 1985, the Governor is pleased to authorise the officers of the Transport Department specified in column (1) to compound the offences punishable under sections mentioned in column (2) for amounts mentioned in column (3) of the table below :

TABLE

Officers empowered to compound offences	Section of M.V. Act under which offence is to be compounded	Amount of compounding fee in Rs.
1	2	3
All officers of the Transport Department of the rank of Passenger Tax Officer/ Goods Tax.	112	20.00 for each offence.
Officer and above in respect of the offences detected by them.	113	250.00
Where, however, such an officer is not available due to transfer, retirement etc. the offences can be compounded by the next higher officer.	113-A	500.00
	113-B	250.00
	114(1)	250.00
	114(2)	50.00
	115(1)	200.00
	115(2)	150.00
	116	500.00
	118	100.00
	120	250.00
	122	250.00
	123	1500.00
	(Vehicles plying without Registration Certificate, permit or plying in contravention of any condition relating to	

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1	2	3
		Rs.
	the route on which or the area in which or the purpose for which the vehicle may be used)	
	123 ..	500.00
	(Overloading in passenger vehicle up to ten per cent of the authorised seating/standing capacity)	
	123 ..	1000.00
	(Overloading from 10 per cent to 25 per cent of the authorised seating/standing capacity)	
	123 ..	1500.00
	(Overloading by over 25 per cent of the authorised seating/standing capacity)	
	124 ..	100.00
	(Overloading in goods vehicles up to 25 per cent of the authorised payload)	
	124 ..	150.00
	(Overloading by over 25 per cent of the authorised payload)	
	125 ..	500.00
	127 ..	50.00

Note.—For every second or subsequent offence under the above sections other than Section 112, the compounding fee shall be 50 per cent of the maximum fine prescribed for the second or subsequent offence.

[2] **English translation of Nagar Vikas Anubhag-9, Noti. No. 7770-B/XI-9—86-71-82, dated October 30, 1986, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 31st October, 1986, p. 2**

In pursuance of the provisions of sub-section (2) of Section 135 of the **U.P. Municipalities Act, 1916** (U.P. Act No. II of 1916), it is hereby notified that the Municipal Board, Fatehpur Sikri, in exercise of the powers under clause (*xiv*) of sub-section (1) of Section 128 of the said Act, read with Section 21 of the U.P. General Clauses Act, 1904 (U.P. Act No. I of 1904) and in supersession of the description of tax published under Notification No. 2658-B/XI-6—254-69, dated June 29, 1972, have imposed the following tax on passengers entering or leaving the limits of Fatehpur Sikri Municipality by Motor Car, Bus, Lorry, Taxi, Auto-rickshaw, Scooter, Motor cycle, Truck, Matador and Tractor-Trolly with effect from November 1, 1986:

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Description of tax

A tax on passengers entering or leaving the limits of Fatehpur Sikri Municipality by Motor car, Bus, Lorry, Taxi, Auto-rickshaw, Scooter, Motor cycle, Truck, Matador, and Tractor-Trolly.

Rates

1.	Passengers travelling by bus or lorry ..	0.25	Paise per Passenger
2.	Passengers travelling by motor car taxi or air conditioned vehicle.	0.50	Ditto.
3.	Passengers travelling by auto-rickshaw, .. scooter or motor cycle.	0.25	Ditto.
4.	Passengers travelling by other vehicles .. as truck, matador or tractor, trolly except those travelling by cycle or bullock cart.	0.10	Ditto.

List of exemption from tax

This tax will not be imposed on the following :

(*a*) Babies below 3 years of age.

(*b*) Drivers, conductors and the licenced guides accompanying the visitors and tourists of the bus, lorry, taxi, motor car, air-conditioned bus and delux bus or the employees of U.P. Government Roadways on duty.

(*c*) Military personnels on march.

(*d*) V.I.Ps. and the guest of Central Government whose arrangements are being made by D.M. under orders of State or Central Government and the prior information of the same which have been received in the office of the Municipal Board.

[3] English translation of Vitta (Stamp and Registration) Anubhag, Noti. No. SR—668/X-87—Nyaya (FV) 924(42)-80, dated March 10, 1987, published in the U.P. Gazette, Extra., Part II, Section (kha), dated 10th March, 1987, p. 2

In exercise of the powers under clause (*a*) of sub-section (1) of Section 9 of the **Indian Stamp Act, 1899** as amended in its application to Uttar Pradesh, the Governor is pleased to reduce, with effect from June 20, 1983 till May 31, 1987 in the district of Pithoragarh only, the stamp duty chargeable under Article 17-B of Schedule I-B of the said Act on the certificate of practice as Notary under sub-secton (1) of Section 5 of the Notaries Act, 1952 (Act No. 53 of 1952) or endorsement of renewal of such certificates under sub-section (2) of Section 5 of the said Act from rupees five hundered to rupees two hundred fifty only.

[4] English translation of Dugdha Vikas Anubhag, Noti. No. 1659/XII-Du. Vi.—13-85-T.C., dated June 16, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 16th June, 1987, p. 2

In exercise of the powers under sub-clause (*c*) of Clause 2 of the **Uttar Pradesh Milk and Milk Products Regulation Order, 1987**, the Governor is pleased to authorise the Milk Commissioner, Uttar Pradesh, Lucknow, to issue permits for the export of milk of any kind from any region specified in sub-clause (2) of Clause 1 of the said order, to any place outside the boundaries of the region.

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[5] English translation of Shram Anubhag-3, Noti. No. 1540/XXXVI-3—51 (M.W.)-85, dated May 28, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 28th May, 1987, pp. 3-4

In exercise of the powers under clause (*b*) of sub-section (1) of Section 3 read with clause (*ii*) of sub-section (1) of Section 4 of the **Minimum Wages Act, 1948** (Act No XI of 1948), the Governor is pleased to fix and revise with effect from the date of publication of this notification in the Gazette the minimum rates of wages in respect of the employees employed in the employment in Agriculture in Uttar Pradesh, after having considered as required under sub-section (2) of Section 5 of the said Act the suggestions and objections received in respect of the proposals published with Government Notification No. 4617/XXXVI-3—51 (M.W.) 85, dated October 25, 1985 and consulting the Advisory Board.

2. All inclusive minimum rates of wages in respect of Employment in Agriculture in Uttar Pradesh shall be as follows :—

Type of Agriculture work	Region	All inclusive minimum rates of wages for adult workers
1	2	3
1 Cultivation and village of soil, production, cultivation, growing and harvesting of any agricultural commodity, preparation for marketing and delivery to storage or to market or to carriage for transportation to market of farm produce and any practice incidental to or in conjunction with farm operations in farms of all sizes.	*Zone 1*—(For agricultural units situate in districts mentioned in Annexure 1)	Rs. 11.50 per day or Rs. 299.00 per month.
2 Forestry or timbering operation performed by farmer or on a farm as incidental to or in conjunction with farm operations.	*Zone 2*—(for agricultural units situate in districts mentioned in Annexure 2)	Rs. 12.50 per day or Rs. 325.00 per month.
3 Dairy farming, raising of livestock, bee-keeping, poultry farming and their incidental operations.		

Note.—A list of districts falling in each zone is given in the Annexure to this notification.

3. The minimum wages may be paid in cash or, where so agreed to by the employees in kind, or partly in cash and partly in kind, so however that, the total value of the wages shall in no case, be less than the minimum prescribed.

4. The employees spread over of whose presence on duty may not be

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less than six hours a day shall be treated as part-time employee and their hourly rates shall be not less than one-sixth of the corresponding daily rates.

5. The rates of wages payable to adolescents and children shall not be less than three-fourth and two-third respectively of the rates applicable to the adult employees.

6. The rates of wages shall not, in any way, operate to the prejudice of any employee.

ANNEXURE 1

(*Eastern, Central, Bundelkhand and Hill Regions*)

1. Deoria
2. Gorakhpur
3. Basti
4. Azamgarh
5. Gonda
6. Bahraich
7. Faizabad
8. Sultanpur
9. Pratapgarh
10. Ballia
11. Ghazipur
12. Varanasi
13. Jaunpur
14. Mirzapur
15. Allahabad
16. Kheri
17. Sitapur
18. Lucknow
19. Rae Bareli
20. Unnao
21. Hardoi
22. Kanpur Dehat
23. Kanpur Shahr
24. Fatehpur
25. Bara Banki
26. Tehri-Garhwal
27. Almora
28. Naini Tal
29. Garhwal
30. Dehra Dun
31. Uttar Kashi
32. Chamoli
33. Pithoragarh
34. Jhansi
35. Jalaun
36. Hamirpur
37. Banda
38. Lalitpur.

ANNEXURE 2

(*Western Region*)

1. Saharanpur
2. Muzaffarnagar
3. Meerut
4. Ghaziabad
5. Bulandshahr
6. Aligarh
7. Agra
8. Etah
9. Mainpuri
10. Mathura
11. Bijnor
12. Moradabad
13. Badaun
14. Rampur
15. Bareilly
16. Pilibhit
17. Shahjahanpur
18. Etawah
19. Farrukhabad.

[6] English translation of Nagar Vikas Anubhag-9, Noti. No. 2460-B/XI-9—85-230/80-UPA-2-1916-Rule-1975-AM(1) 1981, dated April 26, 1985, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 1st May, 1985, pp. 2-3

In exercise of the powers under Section 296 of the **U.P. Municipalities Act, 1916** (U.P. Act No. II of 1916), read with clause (*iii-a*) of sub-section (1) of Section 128 and Sections 153 and 299 of the said Act, the Governor is pleased to make the following rules for assessment and collection of Theatre Tax within the limits of Aligarh Municipal Board after their previous publication under Government Notification No. 1428-B/XI-9—82-230/80-UPA-2-1916—Rule-1975-AM (1)-1981, dated June 5, 1982, as required by sub-section (1) of Section 300 of the said Act.

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1. Short title and commencement.—(1) These Rules may be called the **Aligarh Municipal Board Theatre Tax (First Amendment) Rules, 1982.**

(2) They shall come into force with effect from the date of their publication in the Gazette.

2. Amendment of Rule 5.— In the Aligarh Municipal Board Theatre Tax Rules, 1975, for Rule 5, the following rule shall be *substituted*, namely:—

5. Rate of Tax: Sections 128(i)(iii-A), 153 and 296.—The Tax shall be imposed at the following rates:

(*i*) On cinemas the annual rental value of which is Rs. 10,000 or more at the rate of Rs. 20.00 per show.

(*ii*) On cinemas the annual rental value of which is less than Rs. 10,000 at the rate of Rs. 15.00 per show.

(*iii*) On circus at the rate of Rs. 15.00 per show.

(*iv*) On any other amusement or entertainment at the rate of Rs. 2.50 per show.

[7] **High Court of Judicature at Allahabad [Administrative (G.B.) Section], Noti. No. 435/VIII-b-112, dated August 20, 1986, published in the U.P. Gazette, Part 2, dated 25th April, 1987, pp. 10-11**

In exercise of the powers conferred by Article 227 of the **Constitution of India** and Section 122 of the **Code of Civil Procedure, 1908,** read with Section 21 of the General Clauses Act, 1897 (Act No. 10 of 1897), the High Court of Judicature at Allahabad with the previous approval of the Government of Uttar Pradesh is pleased to make the following amendments in the General Rules (Civil), 1957, with effect from the publication of this notification in the Gazette:

Amendments

I. In Rule 317 of the General Rules (Civil), 1957, hereinafter referred to as the said Rules, after the words "Receiving officer" the words "other than the Central Nazir at the Head-Quarters" shall be *inserted*.

II. For Rule 351 of the said Rules the following rule shall be *substituted*:

"*351. Custody of cash and articles of value.*—(1) The Central Nazir shall report to the District Judge at the close of each working day about the total cash with him. The District Judge shall ensure that out of the said Cash, an amount not exceeding the security furnished by the Central Nazir is kept in the safe provided to the Central Nazir and the amount in excess thereof is kept in the safe with double lock installed in the chamber of the District Judge. The double lock safe may be opened during the course of the day if more money than that in the hands of the Central Nazir is required.

(2) One key of the safe with double lock installed in the chamber of the District Judge shall be kept by the District Judge, if or so directed by him in writing, by the Officer-in-charge, Nazarat, and the other key by the Central Nazir.

(3) A register in Form 57-B will be maintained in duplicate in respect of the double lock safe. One of these registers will be kept inside the safe and the other will remain with the Central Nazir. Entries will be made in the registers every time the safe is opened and money is kept in or taken out. The registers shall be signed by the

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District Judge or by the Officer-in-charge Nazarat if so directed by the District Judge and also by the Central Nazir.

(4) If at any time in the opinion of the District Judge, the amount in deposit in the double lock safe in his chamber exceeds the normal or anticipated requirements of the judgeship, the District Judge shall forthwith direct the same to be deposited in the Treasury as a miscellaneous deposit being so entered in the pass-Book. The several items making up this remittance shall be entered separately in the Register of Receipts or Deposits and shall be repaid in the manner prescribed for repayment of deposits. The District Judge shall for this purpose make periodical checking of the cash balance in the double lock safe in the first and third weeks of the month and put down his remarks in the register in Form 57-B mentioned above.

Explanation.—The unclaimed balances referred to in Rule 326 shall notwithstanding the foregoing provisions continue to be dealt with in the manner provided in that rule.

(5) The Central Nazir shall also be supplied with a large box for keeping therein articles of value received by him for safe custody. The box shall be securely locked and remain in the Treasury. If any of the articles in it is required by the Court, the box will be sent for from the Treasury and returned to the Treasury the same day. The article taken out will also be kept in the box before returning it unless the court directs otherwise. The articles received by the Central Nazir at a time when it is not possible to have access to the box may be kept in his safe, but these articles shall subject to the orders of the Court be placed in the box on the next working day.

(6) The Central Nazir shall maintain a register in Form No. 57-A in duplicate, one to be kept inside the box and the other in the office showing contents of the box and shall make appropriate entries therein as soon as any article is kept in or taken out of the box.

(7) The Presiding Judge of an outlaying court shall see that the Nazir, on the closing of the court each day, makes over his cash chest for safe custody to the local treasury or sub-treasury, as the case may be.

(8) The District Judge when inspecting an outlying court shall see that the cash and stamps are kept in strong boxes secured with good locks.

(9) The District Judge shall make surprise visits to the Nazarat at headquarters once in every quarter and maintain a record certifying that the provisions of Chapter XI, Rule 317 and this rule are being strictly complied with. Presiding Officers will make these inspections for outlaying Nazarats.

(10) Cash and articles of value received by a subordinate court at head quarters shall be sent to Central Nazir for safe custody.

(11) The armed guards provided in the Judgeship shall be responsible for the security of the safes in the District Judge's Chamber and the Nazarat. In case no armed guards are provided in any judgeship, the Chowkidars shall be responsible for the same".

III.—In Rule 541 of the said Rules.—In the first entry relating to the

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'Central Nazir' in the table—

(*a*) in the second column, for the figures 'Rs. 1,000' the figures 'Rs. 2,000' and for the figures 'Rs. 2,000,' the figures 'Rs. 4000' shall be *substituted*;

(*b*) in the third column for the figures 'Rs. 750', the figures "Rs. 1,000" and for the figures 'Rs. 1,500' the figures "Rs. 2,000" shall be *substituted*.

IV—In Appendix 4-C to the said Rules (Printed in Volume II), after Form No. 57-A the following Form No. 57-B shall be *inserted*:

FORM NO. 57-B

(*To be maintained by the Central Nazir*)

(Rule 351, Chapter XII)

Date	Opening balance	Amount kept	Amount taken out	Closing balance
1	2	3	4	5

Signature of the District Judge/Officer incharge Nazarat	Signature of Central Nazir	Remarks
6	7	8

[8] **High Court of Judicature at Allahabad [Administrative (G) Section], Noti. No. 527/VIII b-9, dated October 27, 1986, published in the U.P. Gazette, Part 2, dated 25th April, 1987, pp. 11-12**

In exercise of the powers conferred by Section 122 of the **Code of Civil Procedure, 1908** (Act No. V of 1908) and with a previous approval of the Government of Uttar Pradesh as required by Section 125 of the said Code, the High Court of Judicature at Allahabad is pleased to make, with effect from the date of publication of this notification in the Uttar Pradesh Gazette, the following amendments in Appendix 'B' to the First Schedule to the said Code, namely:

Amendment

In Appendix 'B' to the First Schedule to the Code of Civil Procedure, 1908, after Form No. 1 the following Form shall be *inserted*:

"FORM NO. 1-A

Summons/Notice for service by advertisement in a newspaper

(O. V, Rule 20, C.P.C.)

(*Title*)

To

(Name and Address)

Whereas.....has instituted the above Suit/filed an application, against you for....., you are hereby summoned to appear in this Court in person or by a pleader on the.....

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day of.....of 19....., at.....
O'clock, to answer the same, failing which the suit/application will be disposed of *ex parte*.

Given under my hand and the seal of the Court, this.....
.....day of.....19.....

JUDGE."

[9] **High Court of Judicature at Allahabad [Administrative (G) Section], Noti. No. 515/VII-d-139, dated October 21, 1986, published in the U.P. Gazette, Part 2, dated 25th April, 1987, p. 12**

In exercise of the powers conferred by Section 122 of the **Code of Civil Procedure, 1908** (Act No. V of 1908) and with previous approval of the Government of Uttar Pradesh as required by Section 126 of the said Code the High Court of Judicature at Allahabad is pleased to make, with effect from the date of publication of this notification in the Gazette, the following amendment in Rule 3 of Order XLIV of the First Schedule to the said Code, namely :—

Amendment

For Rule 3 of Order XLIV of the First Schedule to the Code of Civil Procedure, 1908, the following Rule shall be *substituted*.

"*3. Inquiry as to whether applicant is an indigent person.*—The inquiry into the question whether or not the applicant referred to in Rule 1 is an indigent person shall be made by the appellate court or under the orders of the appellate court by an officer of that court unless the appellate court consider it necessary, in the circumstances of the case, that the inquiry should be held by the court from whose decision the appeal is preferred :

Provided that if such applicant was allowed to sue or appeal as an indigent person in the court from whose decree the appeal is preferred, no further inquiry in respect of the question whether or not he is an indigent person shall be necessary if the applicant has made an affidavit stating that he has not ceased to be an indigent person since the date of the decree appealed from, but if the Government pleader or the respondent disputes the truth of the statement made in such affidavit, an inquiry into the question aforesaid shall be made in the manner stated above."

[10] **English translation of Shiksha Anubhag-10, Noti. No. 3251/XV-X—87-15(382)-86, dated July 8, 1987, published in the U.P. Gazette, Extra., Part-4, Section (ka), dated 8th July, 1987, pp. 2-3**

In exercise of the powers under sub-section (1-A) of Section 50 of the **Uttar Pradesh State Universities Act, 1973** (President's Act No. 10 of 1973) as re-enacted and amended by the Uttar Pradesh Universities (Re-enactment and Amendment) Act, 1974 (U.P. Act No. XXIX of 1974), read with Section 21 of the Uttar Pradesh General Clauses Act, 1904 (U.P. Act No. 1 of 1904), the Governor is pleased to make the following statutes with a view to amending the Garhwal University First Statutes, 1978 :

1. **Short title and commencement.**—(1) These Statutes may be called the **Garhwal University (Sixteenth Amendment) First Statutes, 1987.**

(2) They shall come into force with effect from the date of their publication in the Gazette.

2. **Insertion of Statutes 22.05 and 22.06.**—After Statute 22.04 of the Garhwal University First Statutes, 1978 the following Statutes shall be

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inserted, namely :—

"22.05. Notwithstanding anything contained in these Statutes or Ordinances of the University—

(*i*) no admission shall be made after August 15 in an academic year ;

(*ii*) all examinations conducted by the University shall be completed by April 30 ; and

(*iii*) results shall be declared by June 15 :

Provided that for the academic session of 1986-87 all examinations of the University may be completed by June 15, 1987 and all results may be declared by July 31, 1987 ; and that admission for the session 1987-88 may be completed by September 15, 1987.

22.06. The answer books shall not be re-evaluated and supplementary examination shall not be conducted by the University :

Provided that with a view to improving his result a candidate may be allowed to appear in one subject in any part of the under graduate examination and in one paper in B.Ed. or any one year of the LL.B. or any part of the post graduate examination in the next regular examination of the University."

[11] English translation of Shiksha Anubhag-10, Noti. No. 3252/XV-X—87-15(382)-86, dated July 8, 1987, published in the U.P. Gazette, Extra., Part-4, Section (ka), dated 8th July, 1987, p. 2

In exercise of the powers under sub-section (1-A) of Section 50 of **Uttar Pradesh State Universities Act, 1973** (President's Act No. 10 of 1973) as re-enacted and amended by the Uttar Pradesh Universities (Re-enactment and Amendment) Act, 1974 (U.P. Act No. XXIX of 1974) read with Section 21 of the Uttar Pradesh General Clauses Act, 1904 (U.P. Act No. 1 of 1904), the Governor is pleased to make the following Statutes with a view to amending the Bundelkhand University First Statutes, 1977 :

1. Short title and commencement.—(1) These Statutes may be called the **Bundelkhand University (Sixteenth Amendment) First Statutes, 1987.**

(2) They shall come into force with effect from the date of their publication in the Gazette.

2. Insertion of Statutes 20.05 and 20.06.—After Statute 20.04 of the Bundelkhand University First Statutes, 1977 the following Statutes shall be *inserted*, namely :—

"20.05. Notwithstanding anything contained in these Statutes or Ordinances of the University :—

(*i*), (*ii*) and (*iii*) [Same as (*i*), (*ii*) and (*iii*) of Statute 22.05 of Garhwal University (Sixteenth Amendment) First Statutes, 1987, published on p. 9]

20.06. [Same as Statute 22.06 of Garhwal University (Sixteenth Amendment) First Statutes, 1987, published on p. 9]."

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[12] **English translation of Shiksha Anubhag-10, Noti. No. 3274/XV-X—87-15-(382)-86, dated July 8, 1987, published in the U.P. Gazette, Extra., Part-4, Section (ka), dated 8th July, 1987, pp. 2-3**

In exercise of the powers under sub-section (1-A) of Section 50 of **Uttar Pradesh State Universities Act, 1973** (President's Act No. 10 of 1973) as re-enacted and amended by the Uttar Pradesh Universities (Re-enactment and Amendment) Act, 1974 (U.P. Act No. XXIX of 1974) read with Section 21 of the Uttar Pradesh General Clauses Act, 1904 (U.P. Act No. 1 of 1904), the Governor is pleased to make the following Statutes with a view to amending the Sampurnanand Sanskrit Vishwavidyalaya First Statutes, 1978 :

1. **Short title and commencement.**—(1) These Statutes may be called the **Sampurnanand Sanskrit Vishwavidyalaya (Fourteenth Amendment) First Statutes, 1987.**

(2) They shall come into force with effect from the date of their publication in the Gazette.

2. **Insertion of Statutes 21.04 and 21.05.**—After Statute 21.03 of the Sampurnanand Sanskrit Vishwavidyalaya First Statutes, 1978 the following Statutes shall be *inserted*, namely :—

"21.04. Notwithstanding anything contained in these Statutes or Ordinances of the University :—

(*i*) no admission shall be made after August 31 in an academic year ;

(*ii*) and (*iii*) [Same as (*ii*) and (*iii*) of Statute 22.05 of Garhwal University (Sixteenth Amendment) First Statutes, 1987, published on p. 9] :

21.05. [Same as Statute 22.06 of Garhwal University (Sixteenth Amendment) First Statutes, 1987, published on p. 9]."

[13] **English translation of Shiksha Anubhag-10, Noti. No. 3265/XV-X—87-15(382)-86, dated July 8, 1987, published in the U.P. Gazette, Extra., Part 4, Section (ka), dated 8th July, 1987, pp. 2-3**

In exercise of the powers under sub-section (1-A) of Section 50 of **Uttar Pradesh State Universities Act, 1973** (President's Act No. 10 of 1973) as re-enacted and amended by the Uttar Pradesh Universities (Re-enactment and Amendment) Act, 1974 (U.P. Act No. XXIX of 1974), read with Section 21 of the Uttar Pradesh General Clauses Act, 1904 (U.P. Act No. 1 of 1904), the Governor is pleased to make the following Statutes with a view to amending the Kashi Vidyapeeth First Statutes, 1977 :

1. **Short title and commencement.**—(1) These Statutes may be called the **Kashi Vidyapeeth (Thirteenth Amendment) First Statutes, 1987.**

(2) They shall come into force with effect from the date of their publication in the Gazette.

2. **Insertion of Statutes 16.03 and 16.04.**—After Statute 16.02 of the Kashi Vidyapeeth First Statutes, 1977, the following Statutes shall be *inserted*, namely :—

"16.03. Notwithstanding anything contained in these Statutes or Ordinances of the University :—

(*i*) no admission shall be made after August 31 in an academic year ;

(*ii*) and (*iii*) [Same as (*ii*) and (*iii*) of Statute 22.05 of Garhwal University (Sixteenth Amendment) First Statutes, 1987, published on p. 9] :

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16.04. [Same as Statute 22.06 of Garhwal University (Sixteenth Amendment) First Statutes, 1987, published on p. 9].''

[14] English translation of Shiksha Anubhag-10, Noti. No. 3259/XV-X—87-15(382)-86, dated July 8, 1987, published in the U.P. Gazette, Extra., Part-4, Section (ka), dated 8th July, 1987, pp. 2-3

In exercise of the powers under sub-section (1-A) of Section 50 of **Uttar Pradesh State Universities Act, 1973** (President's Act No. 10 of 1973) as re-enacted and amended by the Uttar Pradesh Universities (Re-enactment and Amendment) Act, 1974 (U.P. Act No XXIX of 1974) read with Section 21 of the Uttar Pradesh General Clauses Act, 1904 (U.P. Act No. 1 of 1904), the Governor is pleased to make the following Statutes with a view to amending the Rohilkhand University First Statutes, 1977 :

1. Short title and commencement.—(1) These Statutes may be called the **Rohilkhand University (Sixteenth Amendment) First Statutes, 1987.**

(2) They shall come into force with effect from the date of their publication in the Gazette.

2. Insertion of Statutes 19.05 and 19.06.—After Statute 19.04 of the Rohilkhand University First Statutes, 1977, the following Statutes shall be *inserted*, namely :—

''19.05. Notwithstanding anything contained in these Statutes or Ordinances of the University :—

(*i*), (*ii*) and (*iii*) [Same as (*i*), (*ii*) and (*iii*) of Statute 16.03 of Kashi Vidyapeeth (Thirteenth Amendment) First Statutes, 1987, published on p. 11] :

[Same as Statute 16.04 of Kashi Vidyapeeth (Thirteenth Amendment) First Statutes, 1987, published on p. 11].

19.06. The answer books shall not be re-evaluated and supplementary examination shall not be conducted by the University :

Provided that with a view to improving his result a candidate may be allowed to appear in one subject in any part of the under graduate examination and in one paper in B.Ed. or any one year of the LL.B. or any part of the post graduate examination in the next regular examination of the University.''

[15] Karyalaya, Chakbandi Ayukta, Uttar Pradesh, Lucknow, Noti No. 3831/G.—156-67, dated April 13, 1987, published in the U.P. Gazette, Part 1-Ka, dated 10th October, 1987 p. 1767

उत्तर प्रदेश जोत चकबंदी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954 ई०) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति संख्या 3741—सी०एच०आई०ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथाप्रतिनिहित अधिकारों का प्रयोग करके मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूँ कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील जमानिया, जिला गाजीपुर के नीचे दी गई अनुसूची में उल्लिखित गांवों में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया :

ग्रामों की सूची

जिला गाजीपुर, तहसील जमानियां, परगना जमानियां, ग्रामों के नाम.—1. रामपुर पट्टी सरनाम खां । 2. भगीरथपुर । 3. मानपुर उर्फ सुल्तानपुर ।

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[16] **Karyalaya, Chakbandi Ayukta, Uttar Pradesh, Lucknow, Noti. No. 4482/G—362-60, dated May 1, 1987, published in the U.P. Gazette, Part 1-Ka, dated 10th October, 1987, p. 1769**

उत्तर प्रदेश जोत चकबंदी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954 ई०) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति संख्या 3741—सी०एच०आई०ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथाप्रतिनिहित अधिकारों का प्रयोग करके मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूँ कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील फरेन्दा, जिला गोरखपुर के नीचे दी गई अनुसूची में उल्लिखित गांवों में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया :

ग्रामों की सूची

जिला गोरखपुर, तहसील फरेन्दा, परगना हवेली, तप्पा रिगौली, ग्रामों के नाम.—1. कहरौली। 2. कानापार उर्फ रामनगर। 3. कोनी। 4. खड़खड़िया। 5. गायघाट। 6. गेरूई बुजुर्ग। 7. ताल बंजरहा। 8. ताल महुलानी।

तप्पा लेहड़ा, ग्राम का नाम.—9. ताल ऐंजर।

तप्पा रिगौली, ग्रामों के नाम.—10. धानी। 11. नवाडीह।

तप्पा भारीवैसी, ग्रामों के नाम.—12. बगही भारी। 13. मखनहा।

तप्पा रिगौली, ग्रामों के नाम.—14. मेझुका। 15. रिगौली। 16. सिकन्दर राजीतपुर।

तप्पा सिकरा, ग्रामों के नाम.—17. कोइलाडांड़। 18. घिवपीड़।

तप्पा रिगौली, ग्रामों के नाम.—19. चौका। 20. मदरा।

तप्पा सिकरा, ग्राम का नाम.—21. बेलसड़।

तप्पा लेहड़ा, ग्राम का नाम.—22. सकासी।

तप्पा रिगौली, ग्राम का नाम.—23. गेरूई खुर्द।

परगना विनायकपुर, तप्पा मर्चवार, ग्रामों के नाम.—24. भुन्डी। 25. कनसेरी उर्फ विशुनपुर। 26. नौतनवां। 27. परसौनी खुर्द।

परगना हवेली, तप्पा रिगौली, ग्राम का नाम.—28. ताल बेरहा।

[17] **Karyalaya, Chakbandi Ayukta, Uttar Pradesh, Lucknow, Noti. No. 4488/G—172-59, dated May 2, 1987, published in the U.P. Gazette, Part 1-Ka, dated 10th October, 1987, p. 1769**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954 ई०) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति संख्या 3741—सी०एच०आई०ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथाप्रतिनिहित अधिकारों का प्रयोग करके मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील तरबगंज, जिला गोण्डा के नीचे दी गई अनुसूची में उल्लिखित गांवों में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया :

ग्रामों की सूची

जिला गोण्डा, तहसील तरबगंज, परगना डिक्सिर, ग्रामों के नाम.—1. गढ़ी। 2. जबरनगर। 3. कन्डोरा।

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परगना ग्वारिच, ग्रामों के नाम.—4. बहुबन मदार माझा। 5. नन्दौर। 6. चन्दापुर किटौली। 7. काशीपुर। 8. घरकुइयां। 9. बरगदिया। 10. नकहरा। 11. देवली। 12. रक्सड़िया। 13 गौरा सिंघापुर। 14. बसन्तपुर कटियार। 15. प्रतापपुर।

परगना नवाबगंज, ग्रामों के नाम.—16. सराय नामू। 17. इस्माइल पुर एहतमाली। 18. लोलपुर एहतमाली। 19. लक्ष्मनपुर ग्रन्ट। 20. गनेशपुर ग्रन्ट।

[18] **Karyalaya, Chakbandi Ayukta, Uttar Pradesh, Lucknow, Noti. No. 4490/G—159-65, dated May 2, 1987, published in the U.P. Gazette, Part 1-Ka, dated 10th October, 1987, pp. 1770-1771**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954 ई०) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति संख्या 3741/सी०एच०आई०ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथाप्रतिनिहित अधिकारों का प्रयोग करके मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूँ कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील मुरादाबाद, जिला मुरादाबाद के नीचे दी गई अनुसूची में उल्लिखित गांवों में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया :

ग्रामों की सूची

जिला मुरादाबाद, तहसील मुरादाबाद, परगना मुरादाबाद, ग्रामों के नाम.—1. अक्का भीखनपुर मुस्तहकम। 2. अक्का भीखनपुर एहतमाली। 3. इलर रसूलाबाद। 4. उमरी। 5. उत्तमपुर वहलोलपुर। 6. काफियाबाद। 7. कारेया नंगला एहतमाली। 8. कचनाल एहतमाली। 9. खदाना। 10. खबड़िया भूड़ मुस्तहकम। 11. खबड़िया भूड़ एहतमाली। 12. खानपुर कस्बा एहतमाली। 13. खानपुर लक्खी। 14. खइया खद्दर। 15. खरगपुर बाजे। 16. गोहरपुर सुल्तानपुर। 17. गिन्नोर देह माफी। 18. गजगोला नानकबाड़ी। 19. गनेशपुर देवी। 20. गोबर्धनपुर एहतमाली। 21. घटुवा वाला। 22. घोसीपुरा बाबूपुरा। 23. चक फैजुल्लापुर। 24. चांदपुर एहतमाली। 25. चमरूवा। 26. चमरपुरा दान। 27. चौधरपुर। 28. जैतिया सादुल्लापुर। 29. जगतपुर रामराय। 30. जाहिदपुर सीकमपुर एहतमाली। 31. टाहनायक। 32. डिडौरी। 33. डिडौरा। 34. ताजपुर माफी। 35. दादूपुर पाइन्दापुर एहतमाली। 36. दुपेड़ा। 37. देवापुर। 38. देवीपुरा एहतमाली। 39. धीमरी। 40. नेकपुर। 41. नाजरपुर। 42. पीपलसाना एहतमाली। 43. पूरनपुर एहतमाली। 44. पंडित नगला। 45. बरवारा खास मुस्तहकम। 46. बरवारा खास एहतमाली। 47. बुढ़ानपुर एहतमाली। 48. भोजपुर धर्मपुर एहतमाली। 49. मैनाठोर। 50. मोहब्बतपुर भगवन्तपुर एहतमाली। 51. मोहब्बतपुर भगवन्तपुर मुस्तहकम। 52. मनोहरपुर। 53. मोरा मुस्तहकम। 54. महमूदपुर तिगरी। 55. मुंडिया मलुकपुर मुस्तहकम। 56. मछरिया। 57. मनकरा। 58. राम नगर मजरा मुस्तहकम। 59. राम नगर मजरा एहतमाली। 60. रूस्तमपुर तिगरी। 61. रजोड़ा कनरदेव। 62. लाकड़ी फाजलपुर। 63. लालाटोकर महेश नंगली मुस्तहकम। 64. लालूवाला एहतमाली। 65. वाजिदपुर तिगरी। 66. शिवपुरी। 67. शाहपुर मुस्तहकम। 68. सिरसंवा गौड़। 69. सिहाली मुस्तहकम। 70. सेहरिया। 71. समदा राम सहाय। 72. सिहाली एहतमाली। 73. सेहल एहतमाली। 74. सिरसा इनायतपुर। 75. हला नंगला। 76. हिरन खेड़ा मुस्तहकम। 77. हिरन खेड़ा एहतमाली।

[19] **Karyalaya, Chakbandi Ayukta, Uttar Pradesh, Lucknow, Noti. No. 4491/G—228-62, dated May 2, 1987, published in the U.P. Gazette, Part 1-Ka, dated 10th October, 1987, p. 1771**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954 ई०) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति संख्या 3741/सी०एच०आई०ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथाप्रतिनिहित अधिकारों का प्रयोग करके मैं,

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एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूँ कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील गोंडा, जिला गोंडा में नीचे दी गई अनुसूची में उल्लिखित गांवों में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चिय किया गया :

ग्रामों की सूची

जिला गोंडा, तहसील गोंडा, परगना गोंडा, ग्रामों के नाम.—1. सेमरा वदन । 2. रानी जोत । 3. बड़गांव । 4. छावनी सरकार । 5. खेंदौरा ।

परगना पहाड़ापुर, ग्रामों के नाम.—6. बरबटपुर । 7. मलौना । 8. कठेला तालाब ।

परगना गोंडा, ग्रामों के नाम.—9. धरमपुर । 10. चैनापुर । 11. उडैला । 12. मथुरा-सदानन्द । 13. भगवानपुर । 14. बलुवा ककरा । 15. अमवा खोदाईनगर । 17. परासखाल ।

[20] **Karyalaya, Chakbandi Ayukta, Uttar Pradesh, Lucknow, Noti. No. 4483/G—176-66, dated May 1, 1987, published in the U.P. Gazette, Part 1-Ka, dated 24th October, 1987, pp. 1810-1811**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954 ई०) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति संख्या 3741/सी०एच०आई०ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथाप्रतिनिहित अधिकारों का प्रयोग करके मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूँ कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील चन्दौली, जिला वाराणसी के नीचे दी गई अनुसूची में उल्लिखित ग्रांवों में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया है :

ग्रामों की सूची

जिला वाराणसी, तहसील चन्दौली, परगना बरह मवई, ग्रामों के नाम—1. बड़ागांव । 2. चकिया । 3. छीतमपुर । 4. जफरपुर । 5. धरना ।

[21] **Karyalaya, Chakbandi Ayukta, Uttar Pradesh, Lucknow, Noti. No. 4484/G—152-A-68, dated May 1, 1987, published in the U.P. Gazette, Part 1-Ka, dated 24th October, 1987, p. 1811**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954 ई०) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति संख्या 3741/सी०एच०आई०ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथाप्रतिनिहित अधिकारों का प्रयोग करके मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूँ कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील व जिला सुल्तानपुर, परगना मीरानपुर के ग्राम नौगवां-तीर में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया :

[22] **Karyalaya, Chakbandi Ayukta, Uttar Pradesh, Lucknow, Noti. No. 8402/G—244-63, dated August 28, 1987, published in the U. P. Gazette, Part 1-Ka, dated 12th December, 1987, p. 2173**

उत्तर प्रदेश जोत चकबंदी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954 ई०) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति संख्या 3741—सी०एच०आई०ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथाप्रतिनिहित अधिकारों का प्रयोग करके मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूँ कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील ज्ञानपुर, परगना भदोही के ग्राम गुवाली, जिला वाराणसी में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया :

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[23] **Karyalaya, Chakbandi Ayukta, Uttar Pradesh, Lucknow, Noti. No. 9006/G—266-56-87, dated October 12, 1987, published in the U.P. Gazette, Part 1-Ka, dated 12th December, 1987, pp. 2174-2176**

चूंकि गोरखपुर जिले की सदर तहसील में पुन: चकबन्दी कराने से सम्बन्धित **उत्तर प्रदेश जोत चकबंदी अधिनियम, 1953** (उत्तर प्रदेश अधिनियम सं० 5, 1954ई०) की धारा 4-क की उपधारा (1) के अधीन अधिसूचना संख्या 65/41—83 (671), दिनांक 25 अक्तूबर, 1985 प्रकाशित की जा चुकी है।

अतएव, सरकारी विज्ञप्ति सं० 65/48—77—राजस्व-8, दिनांक 11 जून, 1980 के साथ पठित उपर्युक्त अधिनियम की धारा 4-क की उपधारा (2) के अधीन अधिकारों का प्रयोग करके मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ राज्य सरकार के पूर्वानुमोदन से एतद्द्वारा विज्ञापित करता हूँ कि तहसील सदर, जिला गोरखपुर के नीचे दी गई अनुसूची में उल्लिखित गांवों में, चकबन्दी क्रियायें पुन: आरम्भ करने का विनिश्चिय किया गया :

ग्रामों की सूची

परगना हवेली, तप्पा खुटहन, ग्रामों के नाम.—1. जंगल आराजी छत्रधारी। 2. गुलरिया। 3. मुड़िया उर्फ मुन्डेरा। 4. रसूलपुर। 5. बुड़ाडीह। 6. सोनराइच। 7. जंगल औरही। 8. बनकटिया उर्फ़ इटौहिया। 9. जंगल पकड़ी नं० 1। 10. बरौली। 11. जंगल अहमद अलीशाह उर्फ तूरा।

परगना हवेली, तप्पा पतरा, ग्राम का नाम.—12. उनौला अव्वल।

परगना भौवापार, तप्पा हवेली, ग्राम का नाम.—13. जंगल हकीम नं० 12।

परगना हवेली, तप्पा पतरा, ग्रामों के नाम.—14. उनौला दोयम। 15. उनौला खुर्द।

परगना भौवापार, तप्पा हवेली, ग्राम का नाम.—16. जंगल तिकोनिया नं० 1।

परगना हवेली, तप्पा पतरा, ग्राम का नाम.—17. चिलबिलवा।

परगना हवेली, तप्पा खुटहन, ग्राम का नाम.—18. नाहरपुर।

परगना हवेली, तप्पा पतरा, ग्रामों के नाम.—19. रामपुर थवईपार। 20. आराजी बरवा। 21. तुलसीदेई। 22. जमुनिया। 23. नबीपुर। 24. चक मजीदा बीबी। 25. लहुरा देऊर। 26. तेंदुआ। 27. पोखर भिन्डा उर्फ चकदह। 28. परसिया। 29. समस्तपुर मुडिला। 30. ताजपिपरा। 31. छितौनी। 32. खैराबाद। 33. नेऊरी। 34. परसू रामपुर। 35. बनकटिया बुजुर्ग। 36. रतनपुर। 37 तुलसी देऊर। 38. महमूदाबाद। 39. आराजी बनकट। 40. पिपरा बनवारी। 41. बरडीहा उर्फ रौजा। 42. सिधावल। 43. रिठिया। 44. मुडेरी गड़वा। 45. हरखापुर। 46. खझवा। 47. कुरमौल उर्फ बड़हरा। 48. सिधौली। 49. दुबौली। 50. इमिलिया उर्फ विजहरा। 51. खड़राइच खुर्द। 52. खड़राइच बुजुर्ग। 53. चनगही। 54. तकिया मेदनीपुर। 55. महुअवा उर्फ कटैया। 56. मठिया। 57. सरन्डा। 58. रक्षापार। 59. मुन्डेरी खुर्द। 60. मुन्डेरी बुजुर्ग। 61. रमवापुर। 62. करमहा। 63. नइयापार खुर्द। 64. नइयापार बुजुर्ग। 65. बनरही। 66. तालिबाबाद। 67. आराजी चौरी। 68. जंगल सुभान अली। 69. माड़ापार। 70. पिपरही। 71. कैथवलिया। 72. मौलाखोर। 73. बनकटिया खुर्द। 74. पतराखास। 75. पिपरा मुगलान। 76. अगया। 77. उसका। 78. लखेसरा।

परगना हवेली, तप्पा केवटली, ग्रामों के नाम.—79. जादोपुरा। 80. महुआ खुर्द। 81. भरपुरवा। 82. बसन्तपुर। 83. हेमछापुर। 84. लुहसी। 85. हरपुर। 86. माधोपुर।

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87. राउतपार । 88. गौरा । 89. बेला । 90. मटिहिनिया उत्तरी । 91. मटिहिनिया दक्षिणी । 92. गोविन्दपुर । 93. नथुवा । 94. केवटली । 95 गोपालपुर । 96. बरईपुर । 97. इस्लामपुर । 98. जगदीशपुर । 99. कोनी । 100. सिहोरिया । 101. बसडीला रौसढ़ । 102. करमैनी । 103. करमैना । 104. सोनवरसा खुर्द । 105. कैथवलिया । 106. जयपुर । 107. बेलवा खुर्द । 108. मोहनपुर । 109. हेमधापुर । 110. परसौनी । 111. रामूडीह । 112. सुरसरी देउरी । 113. रसूलपुर । 114. नरायनपुर । 115. रामपुर बुजुर्ग । 116. तीहा । 117 विश्वम्भरपुर । 118. पकड़ी । 119. मठिया पचपेड़वा । 120. सिसवा उर्फ़ चन्दा । 121. सधरी । 122. सोनबरसा बुजुर्ग । 123. छवैला । 124. मठिया खुर्द । 125. फूलवरिया । 126 बालखुर्द । 127. भगवानपुर । 128. बसहिया ।

जनपद गोरखपुर, तहसील सदर के उन ग्रामों की सूची जिनमें दोबारा चकबन्दी के प्रसार हेतु धारा 4-क(2) के अन्तर्गत विज्ञप्ति कराया जाना है :

परगना हेवेली, तप्पा केवटली, ग्रामों के नाम.—1. छपरामंसूर । 2. विशुनपुर खुर्द । 3. बैकुन्ठपुर । 4. बराहिमपुर । 5. जयपुर । 6. भौवापार । 7. रवतनिया बाबू । 8. रवतनिया सरदार । 9. जंगल मठिया । 10. बेलवा बुजुर्ग । 11. मिर्जवा बाबू । 12. मिर्जवा सरदार । 13. गगड़ा । 14. आमकोल । 15. तिलौली । 16. अहिरौली । 17. टेल्हनापार । 18. महुआ बुजुर्ग । 19. पंसरही । 20. पलिया । 21. बरईपार । 22. सरइया । 23. गोबिन्दगंज । 24. बिलारी । 25. कुसुल्ही । 26. बसडीला टीलाटार । 27. मठिया बुजुर्ग । 28 जोधपुर । 29. दुधई । 30. अयोध्याचक । 31. केवलाचक । 32. केशव पट्टी । 33. देवकहिया । 34. करमहा । 35. केवला डाबर । 36. डुमरी खुर्द । 37. बरही । 38. भाउपुर । 39. राघोपुर । 40. शिवपुर । 41. रामपुर । 42. लक्षमनपुर । 43. भरथपुर । 44. चकदेइया । 45. मोती पाकड़ । 46. बाल बुजुर्ग । 47. भोपा बाजार । 48. चौरा । 49. पोखर भिन्डा ।

तप्पा रसूलापुर, ग्रामों के नाम.—50. मेहिया । 51. भैरों पिपरा । 52. अमरडीहा । 53. बेलही । 54. जोलहाबारी । 55. लक्षमनपुर । 56. जंगल रसूलपुर नं० 1 । 57 डीहा डाबर । 58. भिस्वा । 59. बेनीजोत उर्फ़ बड़हरा । 60. भसी रामदत्त । 61. नटवा । 62. मझवा । 63. पिपरा मानी । 64. परसौनी । 65. भेंसही नरेश । 66. एकडंगा । 67 मठिया । 68. तेदुआ खुर्द । 69. कोल्हुआ । 70. बैजूडीहा । 71. बेलवा । 72. बिशुनपुरा । 73. लालापुर । 74. रामपुर । 75. पचदेउरी । 76. निबही । 77. पाड़र । 78. नौवाबारी । 79. नरेन्द्रपुर । 80. दुबौली । 81. नदुआ ज्ञानपार । 82. हरपुर । 83. सहसरांव । 84. सिंहपुर ।

तप्पा राजधानी, ग्रामों के नाम.—85. बड़हरा । 86. इटवा । 87. महुअर कोल । 88. शिकारगढ़ । 89. डेगरा । 90. गोहटा । 91. बुहावर । 92. दयालगढ़ । 93. जमरू । 94. मुडेरा । 95. कोटिया । 96. पकड़ीपार । 97. तरवां । 98 पुरनही । 99. तुलसी पाकड़ । 100. गजाईकोल । 101. जदुपुर । 102. बकसूड़ी । 103. मिश्रोलिया । 104. नवढ़ी । 105. सुगहा । 106. डुमरी । 107. लकड़डीहा । 108. कटसिकरा । 109. रानापार । 110. कपरफोरवा । 111. भकुरहा । 112. गोबड़ौरी । 113. गोबड़ौर । 114 कैथवलिया । 115. सघना । 116. भरोहिया । 117. जयराम कोल । 118. विशुनपुर मटियारा । 119. भैरही । 120. अमारी । 121. पकड़पुरा । 122. आबगार । 123. बैरवा । 124. दुनरहा । 125. दीवां । 126. पकड़डीहा । 127. सिलहटा । 128. मिश्रौली । 129. गोरसैरा । 130. बसुही । 131. भगने । 132. कोमा सोनबरसा । 133. करही । 134. डीहघाट । 135. टोगरी । 136. तिलक पट्टी । 137. मिर्जापुर । 138. चकदह । 139. चकदेइया । 140. जंगल गौरी नं० 2 उर्फ़ अमहिया । 141. लक्ष्मीपुर । 142. शिवपुर ।

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[24] **English translation of Sansdeeya Karya Anubhag-1, Noti. No. 740(S)/XVII-1—87-132(1)-S-80, dated March 20, 1987, published in the U.P. Gazette, Extra., Part-4, Section (Ka), dated 20th March, 1987, pp. 11—20** [P]

In exercise of the powers under Section 30 read with Section 17-A of the Uttar Pradesh State Legislature (Members' Emoluments and Pension) Act, 1980, the Governor is pleased to make the following rules for grant to members of the State Legislature of house building advance for their own residential facility or conveyance advance for purchase of a vehicle.

CHAPTER I

General

1. Short title.—These rules may be called the **Uttar Pradesh State Legislature (House Building Advance or Conveyance Advance to Members) Rules, 1987.**

2. Definitions.—In these rules, unless the context otherwise requires—

(*a*) 'Act' means the Uttar Pradesh State Legislature (Members' Emoluments and Pension) Act, 1980 (U. P. Act No. 23 of 1980) ;

(*b*) 'advance' means house building advance or conveyance advance, as the case may be, that may be sanctioned under these rules ;

(*c*) 'member' includes all such persons to whom repayable advance may be sanctioned under these rules.

3. Admissibility of advance.—A member may be granted repayable advance under Section 17-A of the Act either for the construction or purchase of residential accommodation or for purchase of a vehicle subject to the provisions of these rules.

4. Sanctioning and drawing and disbursing authorities of advance.—The Secretary, Parliamentary Affairs, shall be the sanctioning authority in regard to grant of advance. Necessary orders sanctioning advance shall be issued by the Parliamentary Affairs Department of the Government and the sanctioned amount shall be drawn and disbursed by the Legislative Assembly/Council Secretariat, as the case may be.

CHAPTER II

House Building Advance

5. Sanction of advance for purchase of land/building or construction of building.—(1) House building advance shall be sanctioned for purchase of plot of land from the U. P. Avas Evam Vikas Parishad or any of the Development Authorities of the State, and construction of residential accommodation thereon or for purchase of constructed house from the said institutions. Certified copy of the allotment order issued by the Uttar Pradesh Avas Evam Vikas Parishad or any Development Authority allotting land or house shall be obtained from the member concerned before granting advance.

[1][(2) House building advance may also be sanctioned for construction of residential accommodation on land held as of right by a member. The member shall furnish satisfactory evidence of his title to such land and it shall be subject to verification by the Government.]

1. Rule 5 *re-numbered* as sub-rule (1) and sub-rule (2) *inserted* vide Noti. No. 2197-S/VII-1—87-132(1)-S-80, dated 29-7-1987

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6. Registration amount.—The amount required to be paid by members for registration of their names with the institutions referred to in Rule 5 for purchase of plot of land or house shall be borne by them from their own sources.

7. Maximum amount of advance.—The maximum amount of house building advance to be sanctioned to a member shall be Rs. 1,00,000 (Rs. one lakh).

8. Instalments of advance.—House building advance shall be sanctioned in two instalments, the first instalment whereof shall not exceed Rs. 66,000 or the cost of land and the amount required for completion of work up to plinth level, whichever is less. The rest of the amount shall ordinarily be released in the second instalment after receipt of a certificate to the satisfaction of the Government regarding utilisation of the amount of first instalment and mortgage of property (house/land) in favour of the Government as security for the entire amount of advance :

Provided that in case of purchase of a constructed house from the U.P. Avas Evam Vikas Parishad/Development Authority the entire amount of advance may be released in one lump sum. The amount of advance to be released in such cases shall be the cost of building or Rs. 1,00,000, whichever is less.

9. Expenses on stamp duty and registration.—The expenditure on stamp duty and registration shall be deemed to be included in the cost of land/house.

[2][**10. Excution of agreement before drawal of advance and mortgage of land/building.**—(1) Before drawing the amount of first instalment for purchase of land or the amount sanctioned for purchase of house under sub-rule (1) of Rule 5, it shall be incumbent upon the concerned member to execute and submit an agreement in Form I.

(2) Within one month of drawing the amount of first instalment sanctioned for purchase of land or the amount sanctioned for purchase of house under sub-rule (1) of Rule 5, the land or house shall be duly purchased and a mortgage deed in Form II shall be executed and submitted for mortgaging the said land or building in favour of the Government and within four months from the date of such execution, the mortgage deed shall be got registered and submitted to the Government for safe custody and record.

11. Mortgage of land before drawal of advance under Rule 5(2).—Before drawing the amount of first instalment of advance for construction of residential accommodation sanctioned under sub-rule (2) of Rule 5, a mortgage deed in Form II-A shall be executed and submitted for mortgaging the land in favour of the State Government and the mortgage deed shall be got registered and submitted to Government for safe custody and record.]

12. Instalments of recovery.—The advance together with interest shall be realised in a maximum of 120 monthly instalments.

13. Release of property after realization of advance and interest.—After it has been ensured authentically that the entire amount of the advance and interest payable thereon has been realised, the property mortgaged as security for the advance shall be released from mortgage in appended Form III.

2. *Subs.* by Noti. No. 2197-S/XVII-1—87-132(1)-S-80, dated 29-7-1987

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14. Stamp duty for registration of documents.—The stamp duty payable for registration of various documents prescribed under these rules in regard to the house building advance shall be borne by the Government.

15. [* * *][3]

16. Loan from other institutions.—If any member has already taken a loan for construction of building on his plot of land from any other institution such as Uttar Pradesh Avas Evam Vikas Parishad, Cooperative Housing Federation, any development authority or from any other public institution, he may also be granted advance under these rules, subject to the condition that the loan taken from the said institutions is not sufficient for the construction of the house and in such case the Government shall have 'Second Charge' on land/building.

CHAPTER III

Conveyance Advance

17. Maximum amount of conveyance advance.—(1) The maximum amount of advance to be sanctioned to any member for purchase of vehicle (motor car or jeep) shall, subject to the provisions of Section 17-A of the Act, not exceed the actual price of vehicle.

(2) The amount, if any, to be deposited by a member in the account of the dealer for registration for purchase of vehicle, shall be borne by the member himself from his own sources.

18. Advance in one instalment.—The amount of conveyance advance shall be released in one lump sum.

19. Refund of the amount of advance in excess of the price.—If the price of the vehicle is less than the sanctioned amount, the balance amount shall be refunded to Government forthwith.

20. Submission of agreement and mortgage bond.—Before drawal of the sanctioned amount, an agreement shall be executed by each member in Form IV. Within one month of drawal of the sanctioned amount of advance, the member concerned shall purchase the vehicle and execute a mortgage bond in Form V. The agreement and the mortgage bond shall be submitted to Government for safe custody and record.

21. Purchase of vehicle in cash only.—The vehicle shall be purchased in cash and shall not be purchased in instalments or on hire purchase.

22. Comprehensive insurance of the vehicle.—The member concerned shall within one month of drawal of the amount of advance, purchase the vehicle, get it insured comprehensively and submit the insurance policy along with other connected papers for the perusal of drawing officer.

23. Instalments of recovery.—The conveyance advance together with interest thereon shall be realised in a maximum of 120 instalments.

3. *Omitted* by ibid.

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CHAPTER IV

Realisation of the amount of House Building/Conveyance Advance and interest thereon and Miscellaneous Provisions

24. Realization of advance from salary, allowances and pension.—Realization of any advance sanctioned under these rules and interest payable thereon shall be made by deducting the required amount by the Secretary of the Legislative Assembly/Council, as the case may be, from the members from their salary, travelling allowance, daily allowance, compensatory accommodation allowance or any other allowance bill and in the case of a person who ceases to be a member or who was not a member at the time any repayable advance was sanctioned to him by Government, the advance and interest payable thereon shall be realised from the amount of pension payable to him. In case the amount of monthly instalment fixed for realisation of advance/interest exceeds the amount of monthly pension and the amount of other payments, if any, the amount of difference shall be deposited by such person in the concerned receipt head of account of Government and in proof of such deposit a copy of the Treasury Chalan shall be made available to Legislative Assembly/Legislative Council Secretariat, as the case may be, by the 7th day of every month.

25. Realization of advance from the month next following the month of drawal.—The repayment of advance shall begin from the month next following the month of drawal of first instalment of advance sanctioned for purchase of land or drawal of the amount sanctioned for purchase of house or for purchase of vehicle.

26. Deposit of balance amount of advance in one lump sum.—The members shall be at liberty to deposit in one lump sum, the entire balance amount of advance before the period fixed for repayment.

27. Realization of interest.—The realisation of the amount of interest shall begin from the month next following the month in which realisation of the principal amount is completed. Monthly instalment of the amount of interest shall not be less than the amount of instalment of principal amount. The member shall be at liberty to deposit in one lump sum the entire amount of interest.

28. Rates of interest.—The rate of interest on the amount of advance and the procedure of calculating the amount to interest, rebate in the rate of interest and adjustment of the advance carrying comparatively higher rates of interest, shall be as is fixed by the State Government from time to time in regard to house building advance or, as the case may be, conveyance advance to its employees.

29. Accounts of repayment.—The accounts regarding repayment of the advance and realization of interest payable thereon shall be maintained by the Legislative Assembly/Legislative Council Secretariat, as the case may be. In the case of repayment from pension, the Treasury Officer of the concerned district shall by the 7th day of every month, send a certificate to the Legislative Assembly/Legislative Council Secretariat, as the case may be, to the effect that the instalment of advance or the interest for the concerned month has been realised from the person concerned and that the same has been credited to the relevant receipt head of account of the Government.

30. Realization of advance/interest in cirtain circumstances.—If a member dies before the repayment/payment of the entire amount of the advance and

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interest payable thereon or he ceases to be a member of the Legislature for any reason whatsoever and is not entitled to pension or he is not entitled to receive pension for any reason whatsoever or he ceases to receive pension or he does not repay/pay regularly the instalments of advance/interest, then the entire balance amount of advance and interest payable thereon shall become payable to the State Government and the State Government may realise the balance amount in any manner from the member or his legal heirs.

31. Utilization of the amount of advance.—The advance shall be utilised for the purpose for which it has been sanctioned. The member shall, on being required by the Government, from time to time furnish proof to the satisfaction of the State Government to the effect that the amount has been utilised for the purpose for which it has been sanctioned and that he has undisputed right over the property/vehicle. Utilisation of amount otherwise shall be treated as its misuse, and the State Government may realise, in any manner, the entire amount of advance and interest payable thereon in one lump sum.

32. Drawal of the amount of advance.—The amount of advance sanctioned under these rules shall be drawn within one month from the date of sanction or before 31st March next following, whichever is earlier, otherwise sanction order shall be treated as cancelled.

33. Miscellaneous provisions.—In regard to matters relating to advance not covered by these rules, the provision as applicable to, and the procedure as adopted in the case of, Government servants shall apply.

FORM NO. I

Form of Agreement to be executed at the time of drawing an advance for the purchase of land on which to construct a house or for the purchase of a ready built House from the U. P. H. D. Board or the Development Authority.

AN AGREEMENT MADE .....
day of.....one thousand nine hundred and .....
corresponding to Saka Samwat the day of .....
19.....BETWEEN Sri/Srimati/Km. .....
son/wife/daughter of.....resident of.....
..... (designation) member or ex-member of State Legislative Assembly/Council (hereinafter called 'the Borrower' which expression shall include his legal representatives and assigns) of the one part and the GOVERNOR OF UTTAR PRADESH (hereinafter called 'the Governor') of the other part ;

WHEREAS the Borrower has agreed to purchase for the purpose of erecting a house thereon the piece of land/a ready-built house situate in.....
..... in the registration district of.....
sub-district.....thana .....
containing.....more or less and bounded on the north
by.....on the south
by.....on the east
by.....and on the west by.....
.....from the U. P. Housing and Development
Board or the.....
Development Authority.....for the sum
of Rs.....(Rupees.....only) ;

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AND WHEREAS the Borrower has under the provisions of the Uttar Pradesh State Legislature (House Building Advance or Conveyance Advance to Members) Rules, 1987 (hereinafter referred as 'the said Rules' which expression shall include any amendments thereof for the time being in force), applied to the Governor for a loan of Rs..... (Rupees.....only) to enable him/her to purchase the said piece of land/for the purchase of the said house with land appurtenant thereto and the Governor has agreed to lend the said sum of Rs..... .....(Rupees.....only) to the Borrower on the terms and conditions hereinafter contained.

NOW IT IS HEREBY AGREED between the parties hereto that in consideration of the sum of Rupees.....paid by the Governor to the Borrower (the receipt of which the Borrower hereby acknowledges) the Borrower hereby agrees with the Governor ; (1) to repay the Governor the said amount with interest calculated according to the said Rules by monthly deductions from his salary, travelling allowance, daily allowance, compensatory accommodation allowance or any other allowance payable to him/her as a member of the State Legislature or from his/her pension or any other amount payable to him/her as provided for by the said Rules and hereby authorises the Governor to make such deductions and (2) within one month from the date of these presents to expend the full amount of the said loan in the purchase of the said piece of land/ready-built house and if the actual price paid is less than the loan, to repay the difference to the Governor forthwith and (3) to execute a document mortgaging the said piece of land and the house to be erected thereon/the said ready-built house with land appurtenant thereto to the Governor as security for the amount lent to the Borrower as aforesaid and interest thereon in the form provided by the said Rules AND IT IS HEREBY FURTHER AGREED that the Borrower shall immediately after he/she has purchased the said piece of land commence and erect thereon a suitable residence for his/her own use AND IT IS HEREBY ALSO AGREED AND DECLARED that if the said piece of land or the said house has not been purchased and mortgaged as aforesaid within one month from the date of these presents or if the Borrower within that period becomes insolvent or ceases to be a member of the State Legislature due to any reason whatsoever and does not become entitled to pension or does not get or ceases to get pension for any reason whatsoever or fails to pay the repayment instalment of loan or interest thereon on due dates or dies the whole amount of the loan and interest accrued thereon shall immediately become due and payable. AND the Borrower hereby agrees and declares that the Governor may, on the certificate of the Secretary, Legislative Assembly/Council, Uttar Pradesh which shall be final, conclusive and binding on the Borrower, recover all dues hereunder from the Borrower as arrears of land revenue AND it is hereby lastly agreed and declared that the Governor shall be entitled to recover the balance of the said loan with interest remaining so unpaid from his/her legal representatives and assignee in any manner whatsoever.

IN WITNESS whereof the Borrower has hereunto set his/her hand the day and year first above written.

Signed by the said Borrower.
In the presence of—

(1) ( )

(2) (Borrower)

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FORM NO. II

Form of mortgage for house building loan granted to the Members or ex-members of Legislative Assembly/Legislative Council.

THIS INDENTURE made the .....day of.....19.....corresponding to Saka Samvat the.....day of..... 19.....BETWEEN SRI/SRIMATI/KM. ..... son/wife/daughter of.....permanent resident of.....P.O..... district.....(designation) a member/ex-member (as the case may be) of the State Legislative Assembly/Council (hereinafter called 'the mortgagor' which term shall where not repugnant to the context include his/her heirs, executors, administrators and assigns) of the one part and THE GOVERNOR OF UTTAR PRADESH (hereinafter referred to as 'the mortgagee' which term shall where not repugnant to the context include his successors in office and assigns) of the other part ;

WHEREAS the mortgagor is entitled to the piece of land, hereditaments and premises/house hereinafter described under a lease from..... Development Authority (name of the Development Authority) or the U. P. Housing and Development Board, as the case may be dated..... for a term of.....year expiring on.....subject to a rental of Rs.....(Rupees.....only) per mensem/annum.

AND WHEREAS, the mortgagor has applied to the mortgagee for a loan of the sum of Rs.....(Rupees.....only) for the purpose of enabling him to defray the expenses for the purposes of building a house on the said hereditaments for the purchase of a house from..... .....as a residence suitable for his/her own use.

AND WHEREAS under the provisions contained in the Uttar Pradesh State Legislature (House Building Advance or Conveyance Advance to Members) Rules, 1987 (hereinafter referred as 'the said Rules which expression shall where the context so admits include any amendment thereof or addition thereto for the time being in force and shall be deemed to form part of these presents) the mortgagee has agreed to lend and advance to the mortgagor the said sum of Rs.....(Rupees.....only) in a lump sum (in the instalments mentioned in the Schedule hereto).

NOW THIS INDENTURE WITNESSES that in consideration of the said loan and in pursuance of the said agreement the mortgagor hereby covenants with the mortgagee to pay to the mortgagee the said principal sum and interest thereon calculated according to the said Rules on or before the..... day of.....next and if the loan shall not be repaid on that date will pay interest in accordance with the said Rules.

AND THIS INDENTURE ALSO WITNESSES that for the consideration aforesaid the mortgagor hereby demises, lets and transfers unto the mortgagee ALL THAT piece of land bearing plot No.....situated in.....the registration district of.....sub-district..... thana.....containing..... sq. mtrs. more or less and bounded on the north by.....on the south by.....on the east by.....

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and on the west by.....together with the dwelling-house and the out offices, stables, cook-rooms and out buildings of all kinds used or intended to be used with the said dwelling-house now erected or hereafter to be erected together with all rights, easements and appurtenances to the same or any of them belonging TO HOLD the said premises including all erections and buildings erected or hereafter to be erected on the said land unto the mortgagee, his successors in office and assigns for all the residue now unexpired of the said term of years granted by the said lease except the last day of the said term PROVIDED ALWAYS that if and as soon as the said advance made upon the security of these presents and interest thereon calculated according to the said Rules shall have been repaid by the deduction of monthly instalments from the salary and other benefits of the mortgagor or from the pension of the mortgagor or if the monthly amount of pension falls short of the monthly instalment fixed for the repayment of the loan, the difference shall have been deposited by the mortgagor from his own source of income, in accordance with the said Rules or by any other means whatsoever the demise hereby made shall be void AND the mortgagor hereby covenants with the mortgagee that the lease creating the term or estate for which the said land or house is held by the mortgagor is now a good, valid and effectual lease and is in full force, unforfeited and unsurrendered and free from encumbrances and shall in no way become void or voidable and that all the rents reserved thereby and all the covenants, conditions and agreements contained therein and on his/her part to be paid, observed and performed have been paid, observed and performed up to the date of these presents AND ALSO that the mortgagor will at all times so long as any money remains due on the security of these presents pay, observe and perform or cause to be paid, observed and performed all the said rents, covenants, conditions and agreements and will keep the mortgagee indemnified against all actions, proceedings, cost, charges, claims and demands, if any, to be incurred or sustained by the mortgagee by reason of the non-payment of the said rents or the non-observance or non-performance of such covenants or conditions or agreements or any of them AND ALSO that the mortgagor now has good right and full powers to demise the said premises to the mortgagee in the manner aforesaid AND that it shall be lawful for the mortgagee to enter into and upon and to hold and enjoy the said demised premises during the term hereby granted without any interruptions or disturbance by the mortagor or any person claiming through or in trust for him/her, AND that the mortgagor at the request at any time hereafter of the mortgagee will at his/her own cost execute and do all such assurances things as may be necessary or proper for more effectually vesting the said premises in the mortgagee in manner aforesaid as may by the mortgagee be reasonably required PROVIDED ALWAYS and it is hereby agreed and declared that if there shall be any breach by the mortgagor or the covenants on his/her part herein contained or if he/she shall ceaes to be a member of the State Legislature due to any reason whatsoever and does not become entitled to pension or does not get or ceases to get pension for any reason whatsoever or fails to pay the repayment instalments of loan or interest thereon or dies before all sums due or payable to the mortgagee on the security of these presents shall have been fully paid off then and in any of such cases it shall be lawful for the mortgagee to sell the said premises or buildings or any part thereof either together or in parcels and either by public auction or by private contract or to rescind any contract for sale and to resell without being answerable for any loss which may be occasioned thereby or to let the same for any term or period and to do and execute all such acts and assurances for effectuating any such sales or letting as the mortgagee shall think fit AND it is hereby declared that the receipt of the mortgagee for the purchase money of the premises sold or any part thereof shall effectually discharge the purchaser

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or purchasers therefrom AND it is hereby declared that after any sale of the said permises or any part thereof under the aforesaid power the mortgagor shall stand possessed of the premises sold for the last day of the term granted to him/her by the hereinbefore recited lease IN trust for the purchaser, his executors, administrators and assigns to be assigned and disposed of as he or they may direct AND it is hereby declared that the mortgagee shall hold any rents, profits, premiums, salami, of moneys arising from the premises or from any such letting or sale as aforesaid UPON trust in the first place thereon to pay all expenses attending such sale or otherwise incurred in relation to this security and in the next place to apply such moneys in or towards satisfaction of moneys for the time being owing on the security of these presents and then to pay the surplus, if any, to the mortgagor. AND the mortgagor hereby agrees and declares that without prejudice to any remedy provided by this deed, the mortgagee may on the certificate of the Secretary, Legislative Assembly/ Council which shall be final, conclusive and binding on the mortgagor, recover all dues hereunder from the mortgagor as arrears of land revenue. AND it is hereby lastly agreed and declared that the mortgagee shall be entitled to recover the balance of the said loan with interest remaining so unpaid from his legal representatives and assigns in any manner whatsoever.

IN WITNESS whereof the mortgagor has hereunto set his/her hand the day and year first above written.

2. The stamp duty, if any, payable on the execution of these presents shall be borne and paid by the State Government and the registration charges in respect of these presents shall be borne by the mortgagor.

The Schedule herein referred to—

Rs.....on or before.....

Rs.....on or before.....

Signed by the mortgagor.

In the presence of—

First Witness.....Second Witness.....

Address.....Address.....

Occupation.....Occupation.....

(The deed should be registered)

Note :—There must be two witnesses to a mortgage.

[4][FORM NO. II-A

Form of mortgage for house building loan granted to the member or ex-members of Legislative Assembly/Legislative Council who possess proprietory rights in the land.

THIS INDENTURE made the.....day of.....
.....one thousand nine hundred and.....
.....corresponding to *Saka Samvat* the day of.....
19.....*BETWEEN* Sri/Srimati/Km. .....
son/wife/daughter of .....permanent resident
of .....P. O. .....

4. *Ins.* by Noti. No. 2197-S/XVII-1—87-132(1)-S-80, dated 29-7-1987

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District.....a member/ex-member (as the case may be) of the State Legislative Assembly/Council (hereinafter referred to as the "mortgagor" which term shall where not repugnant to the context include his/her heirs, executors, administrators and assigns) of the one part ; and the GOVERNOR OF UTTAR PRADESH (hereinafter referred to as the "mortgagee" which term shall where not repugnant to the context include his successors-in-office and assigns) of the other part.

WHEREAS, the mortgagor is absolutely seized and possessed of or otherwise well entitled to the land, hereditaments and premises hereinafter described and expressed to be hereby conveyed, transferred and assured (hereinafter referred to as the said hereditaments) ;

AND WHEREAS, the mortgagor has applied to the mortgagee for an advance of the sum of Rs.....(Rupees.....only) for the purpose of enabling him to defray the expenses for the purposes of building a house on the said hereditaments as a suitable residence for his/her own use ;

AND WHEREAS, under the provisions contained in the Uttar Pradesh State Legislature (House Building Advance or Conveyance Advance to Members) Rules, 1987 (hereinafter referred to as "the said Rules" which expression shall where the context so admits include any amendment thereof or addition thereto for the time being in force and shall be deemed to form part of these presents), the mortgagee has agreed to lend and advance to the mortgagor the said sum of Rs.....(Rupees.....only) payable as follows that is to say the sum of Rs..... on execution of these presents and the balance (unless and until the power of sale applicable hereto shall have become exercisable) after furnishing necessary proof of utilisation of the amount advanced previously.

NOW THIS INDENTURE WITNESSES that in pursuance of the said agreement and in consideration of the sum of Rs..... (Rupees.....only) paid on the execution of these presents to the mortgagor by the mortgagee the receipt whereof the mortgagor hereby acknowledges (and the balance sum of Rs..... to be paid in the manner hereinabove specified for the the purpose of enabling the mortgagor to defray the hereinbefore recited expenses the mortgagor hereby covenants with the mortgagee to repay to the mortgagee the said sum of Rs.....(and such further sums as shall hereafter be paid by the mortgagee to the mortgagor persuant to hereinbefore recited agreement in that behalf) and interest thereon calculated according to the said Rules on or before the..... day of.....next and if the loan shall not be repaid on that date will pay interest in accordance with the said Rules. AND THIS INDENTURE ALSO WITNESSES that for consideration aforesaid he, the mortgagor hereby conveys, transfers, and assures unto the mortgagee ALL that piece of land situated in the..... district of .....registration district of..... sub-registration district of.....contaning..... .....sq. mtrs. more or less now in the occupation of the mortgagor and bounded on the North by....., on the South by..... on the East by.....and on the West by.....together with the dwelling house and

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the out-office, stables, cook-rooms and out-buildings now erected or hereafter to be erected on the said piece of land together with all rights, easements, appurtenances to the said hereditaments or any of them belonging TO HOLD the said hereditaments with their appurtenances including all erections and buildings hereafter erected and built on the said piece of land unto and to the use of the mortgagee absolutely subject to the provision for redemption hereinafter contained, PROVIDED ALWAYS that if and as soon as the said advance made upon the security of these presents shall have been repaid and interest thereon paid calculated according to the said Rules by the deduction of monthly instalments of salary and other benefits of the mortgagor or from the pension of the mortgagor or if the monthly amount of pension falls short of the monthly instalments fixed for the repayment of the loan the difference shall have been deposited by the mortgagor from his/her own source of income in accordance with the said Rules or by any other means whatsoever then and in such case the mortgagee will upon the request and at the cost of the mortgagor reconvey, retransfer or reassure the said hereditaments unto and to the use of the mortgagor or as he may direct AND it is hereby agreed and declared that if there shall be any breach by the mortgagor of the convenants on his/her part herein contained or if he/she shall cease to be a member of the State Legislature due to any reason whatsoever and does not become entitled to pension or does not get or ceases to get pension for any reason whatsoever or fails to pay the repayment instalments of the loan and interest thereon or dies before all sums due or payable to the mortgagee on the security of these presents shall have been fully paid off then and in any of such cases it shall be lawful for the mortgagee to sell the said hereditaments or any part thereof either together or in parcels and either by public auction or by private contracts with power to rescind any contract for sale and to re-sell without being answerable for any loss which may be occasioned thereby AND to do and execute all such acts and assurances for effectuating any such sale as the mortgagee shall think fit AND it is hereby declared that the receipt of the mortgagee for the purchase money of the premises sold or any part thereof shall effectually discharge the purchaser or purchasers therefrom AND it is hereby declared that the mortgagee shall hold the moneys to arise from any sale in pursuance of the aforesaid power UPON TRUST in the first place thereout to pay all the expenses incurred on such sale and in the next place to apply such moneys in or towards satisfaction of the moneys for the time being owing on the security of these presents and then to pay the surplus (if any), to the mortgagor AND the mortgagor hereby agrees and declares that without prejudice to any remedy provided by this deed, the mortgagee may on the certificate of the Secretary, Legislative Assembly/ Council, which shall be final, conclusive and binding on the mortgagor, recover all the dues hereunder from the mortgagor, as arrears of land revenue. AND it is hereby also agreed and declared that the mortgagee shall be entitled to recover the balance of the said loan with interest remaining so unpaid from the legal representatives and assigns of the mortgagor in any manner whatsoever. It is hereby agreed and declared that the said Rules shall be deemed and taken to be part of these presents.

The mortgagor hereby lastly covenants with the mortgagee that he (the mortgagor) will during the continuance of this security observe and perform all the provisions and conditions of the said Rules on his part to be observed and performed in respect of these presents and the said hereditaments.

IN WITNESS WHEREOF, the mortgagor has hereunto set his/her hand the day and year first above-written.

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2. The stamp duty if any, payable on the execution of these presents shall be borne and paid by the State Government and the registration charges in respect of these presents shall be borne by the mortgagor.

Signed by the said (mortgagor).

In the presence of—

1st witness :

Address.....

Occupation.....

2nd witness :

Address.....

Occupation.....

(The deed should be registered)

Note.—There must be two witnesses to a mortgage.]

FORM NO. III

Form of Re-conveyance for house building loan.

THIS INDENTURE made the.....day of..... 19.....corresponding to Saka Samvat the.....day of.....19.....between the GOVERNOR OF UTTAR PRADESH (hereinafter called 'the Governor') of the one part and..... son/wife/daughter of Sri.....resident of..... .....(designation) (member or ex-member of State Legislative Assembly/Council) hereinafter called "the mortgagor" of the other part is supplemental to an Indenture of mortgage, dated the..... day of.....19.....and made between the mortgagor of the one part and the Governor of the other part and registered on the..... .....day of .....19 ..... at the office of the Sub-Registrar.....in Book.....Volume.....Pages..... to.....as.....no..... for..... (hereinafter .....called "the.... PRINCIPAL INDENTURE").

WHEREAS ALL moneys viz. Rs..... (Rupees.....only) as principal and interest due and owing on the security of the PRINCIPAL INDENTURE have been fully paid and satisfied and the Governor has accordingly at the request of the mortgagor agreed to execute such re-conveyance of the mortgaged premises in the within written INDENTURE comprised as is hereinafter contained.

NOW THIS INDENTURE WITNESSES that in pursuance of the said agreement and in consideration of the premises, the Governor hereby grants, assigns and re-conveys unto the mortgagor, his/her heirs, executors, administrators and assigns ALL THAT the piece of land situtate in the..... .....containing ....more or less bounded on the North by.....on the South by.....on the East by..... on the West by.....together with the dwelling house and out-offices, stables, cook-rooms and out-building thereon AND ALL and singular other the premises in the PRINCIPAL INDENTURE comprised or expressed to be

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thereby assured or which now are by any means vested in the Governor subject to redemption under or by virtue of the PRINCIPAL INDENTURE with their rights, easements and appurtenances as in the PRINCIPAL INDENTURE expressed and all the estates right, title, interest, property, claim and demand whatsoever of the Governor into, out of or upon, the same premises by virtue of the PRINCIPAL INDENTURE to have and to held the premises hereinbefore expressed to be thereby granted, assigned and re-conveyed unto and to the use of the mortgagor, his/her heirs, executor, administrators and assigns for ever freed and discharged from all money intended to be secured by the PRINCIPAL INDENTURE and from all actions, suits, accounts, claims and demands for, or in respect of the said moneys or any part thereof or for or, in respect of the PRINCIPAL INDENTURE or of anything relating to the premises AND the Governor hereby covenants with the mortgagor, his/her heirs, executors, administrators and assigns that the Governor has not done or knowingly suffered or been party or privy to anything whereby the said premises, or/any part thereof, are/is, or can be impeached, encumbered or affected in title, estate or otherwise howsoever.

IN WITNESS whereof the parties hereto have hereunto set their hands and seals the day and year first above written.

2. The stamp duty, if any, payable on these presents shall be borne and paid by the Government.

Signed, sealed and delivered by.....for and on behalf of the Governor of Uttar Pradesh in the presence of :

(1)

(2)

FORM NO. IV

(*See* RULE 19)

Form of Agreement to be executed at the time of taking advance for purchase of conveyance

AN AGREEMENT made.....day.....of..... one thousand nine hundred and.....corresponding to Saka Samvat the.....day.....of..... .....19.....BETWEEN.....Sri/Srimati/Km. ....son of/wife of daughter of..... .....resident of.....(designation) member/ex-member of the State Legislative Assembly/Council (hereinafter called "the Borrower', which expression shall include his/her legal representatives and assignees) of the one part and THE GOVERNOR OF UTTAR PRADESH (hereinafter called 'the Governor) of the other part.

WHEREAS the Borrower has under the provisions of the Uttar Pradesh State Legislature (House Building Advance or Conveyance Advance to Members) Rules, 1987 (hereinafter referred to as 'the said Rules' which expression shall include any amendments thereof for the time being in force) applied to the Governor for a loan of Rs..... (Rupees.....only) for the purchase of a Motor Car/Jeep and the Governor has agreed to lend the said amount to the Borrower on the terms and conditions hereinafter contained.

NOW IT IS HEREBY AGREED between the parties hereto that in consideration of the sum of Rs.....(Rupees.....

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.....only) paid by the Governor to the Borrower (the receipt of which the Borrower hereby acknowledges) the Borrower hereby agrees with the Governor (1) to pay the Governor the said amount with interest calculated according to the said Rules by monthly deductions from his salary, travelling allowance, daily allowance, compensatory accommodation allowance and any other allowances payable to him/her as member of State Legislature or from his pension or any other amount payable to him/her, as provided for by the said Rules and hereby authorizes the Governor to make such deductions and (2) within one month from the date of these presents to expend the full amount of the said loan in the purchase of a Motor Car/Jeep or if the actual price paid is less than the loan to repay the difference to the Governor forthwith and (3) to execute a document hypothecating the said Motor Car/Jeep to the Governor as security for the amount lent to the Borrower as aforesaid and interest thereon in the form provided by the said Rules AND IT IS HEREBY FURTHER AGREED AND DECLARED THAT if the Motor Car/Jeep has not been purchased and hypothecated as aforesaid within one month from the date of these presents or if the Borrower within that period becomes insolvent or ceases to be a member of the State Legislature due to any reason whatsoever and does not become entitled to pension or does not get or ceases to get pension for any reason whatsoever or fails to pay the repayment instalment of loan or interest thereon or dies the whole amount of the loan and interest accured thereon shall immediately become due and payable AND the Borrower hereby agrees and declares that the Governor may, on the certificate of the Secretary, Legislative Assembly/Legislative Council, which shall be final, conclusive and binding on the Borrower, recover all dues hereunder from the Borrower as arrears of land revenue. AND IT IS HEREBY LASTLY AGREED and declared that the Governor shall be entitled to recover the balance of the said advance with interest remaining unpaid from his legal representatives and assigns in any manner whatsoever.

IN WITNESS whereof the Borrower has hereunto set his hand the day and year first above written.

Signed by the said

In the presence of
(names with address)

1.....

2.....

FORM NO. V

Form of Mortgage Bond for Motor Car/Jeep Advance

THIS INDENTURE made this.....day of..... one thousand nine hundred and.....corresponding to Saka Samvat the.....day of .....19 ..... BETWEEN Sri/Srimati/ Km.....son of/wife of/daughter of.....resident of..... .....(designation) member/ex-member of State Legislative Assembly/Council (hereinafter called "the Borrower") of the one part and THE GOVERNOR OF UTTAR PRADESH (hereinafter called "the Governor") of the other part.

WHEREAS, the Borrower has applied/applied for and has been granted an advance of Rs.....(Rupees..... .....only) to purchase a Motor Car/Jeep (hereinafter referred to as 'the

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said Conveyance') on the terms of the Uttar Pradesh State Legialature (House Building Advance or Conveyance Advance to Members) Rules, 1987 (hereinafter referred to as "the said Rules" which expresson shall include any amendment thereof or additions thereto for the time being in force ;

AND WHEREAS one of the conditions upon which the said advance has been/was granted to the Borrower is/was that the Borrower will/would hypothecate the said conveyance to the Governor as security for the amount lent to the Borrower ;

AND WHEREAS the Borrower has purchased with or partly with the amount so advanced as aforesaid the said conveyance particulars whereof are set out in the Schedule hereunder written.

NOW THIS INDENTURE WITNESSES that in pursuance of the said agreement and for the consideration aforesaid the Borrower hereby convenants to pay to the Governor the sum of Rs..... (Rupees.....only) aforesaid by equal payments of Rs.....each on the first day of every month and will pay interest on the sum for the time being remaining due and owing calculated according to the said Rules and the Borrower agrees that such payments may be recovered by monthly deducations from his/her salary and other allowances in the manner provided by the said Rules, and in further pursuance of the said agreement the Borrower hereby assigns and transfers unto the Governor the said conveyance the particulars whereof are set out in the Schedule hereunder written by way of security for the said advance and the interest thereon as required by the said Rules.

And the Borrower doth hereby agree and declare that he/she has paid in full the purchase price of the said conveyance and that the same is his/her absolute property and that he/she has not pledged and so long as any moneys remain payable to the Governor in respect of the said advance will not sell, pledge or part with the property in or possession of the said conveyance PROVIDED ALWAYS and it is hereby agreed and declared that if any of the said instalments of principal or interest shall not be paid or recovered in manner aforesaid within ten days after the same are due or if the Borrower shall cease to be a member of the State Legislature due to any reason whatsoever and does not become entitled to pension or does not get or ceases to get pension for any reason whatsoever or fails to pay the repayment instalment of loan or interest thereon or dies or if the Borrower shall sell or pledge or part with the property in or possession of the said conveyance or become insolvent or make any composition or arrangement with his/her creditors or if any person shall take proceedings in execution of any decree or judgment against the Borrower the whole of the said principal sum which shall then be remaining due and unpaid together with interest thereon calculated as aforesaid shall forthwith become payable AND IT IS HEREBY AGREED and declared that the Governor may on the happening of any of the events hereinbefore mentioned seize and take possession of the said conveyance and either remain in possession thereof without removing the same or else may remove and sell and the said conveyance either by public auction or private contract and may out of the sale moneys retain the balance of the said advance then remaining unpaid and any interest due thereon calculated as aforesaid and all costs, charges, expenses and payments properly incurred or made in maintaining, defending or realizing his rights hereunder and shall pay over the surplus, if any, to the Borrower, his/her executors, administrators or personal representatives PROVIDED FURTHER that the aforesaid power of taking possession or selling of the said conveyance shall not prejudice the right of the Governor, to sue the Borrower or his/her personal

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representatives for the said balance remaining due and interest or in the case of the said conveyance being sold the amount by which the net sale proceeds fall short of the amount owing AND the Borrower hereby further agrees that so long as any moneys are remaining due and owing to the Governor he/she, the Borrower, will insure and keep insured the said conveyance against loss or damage by fire, theft or accident with an Insurance Company to be approved by the Accountant-General, Uttar Pradesh, and will produce evidence to the satisfaction of the Accountant-General that the Motor Insurance Company with whom the said conveyance is insured have received notice, that the Governor is interested in the policy AND the Borrower hereby further agrees that he will not permit or suffer the said conveyance to be destroyed or injured or to deteriorate in a greater degree than it would deteriorate by reasonable wear and tear thereof AND further that in the event of any damage or accident happening to the said conveyance the Borrower will forthwith have the same repaired and made good. AND the Borrower hereby also agrees and declares that the Governor may, on the certificate of the Secretary, Legislative Assembly/ Legislative Council which shall be final, conclusive and binding on the Borrower, recover all dues hereunder from the Borrower as arrears of land revenue.

IN WITNESS whereof the said (Borrower) hath hereunto set his/her hand the day and the year first above written.

THE SCHEDULE

Description of conveyance.

Maker's name.

Description.

Number of cylinders

Engine number.

Chassis number.

Cost price.

Signed by the Borrower.

Two witnesses— In the presence of

(1) ..... and

(2) .....

[25] **English translation of Vitta (Bikri-Kar) Anubhag-2, Noti. No. S.T.-2—6668/X-9(154)-84-U.P. Act-15-48-Order, 87, dated November 2, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 2nd November, 1987, p. 4** [P]

In exercise of the powers under Section 4 of the **Uttar Pradesh Sales Tax Act, 1948** (U.P. Act No. XV of 1948) read with Section 21 of the Uttar Pradesh General Clauses Act, 1904 (U.P. Act No. I of 1904), the Governor is pleased to rescind Government Notification No. S.T.-2-3973/X—9(154)84-U.P. Act.-15-48 Order-86, dated July 31, 1986 as amended by Notification No. S.T. 2—8598/X-9(154)84-UP. Act 15-48-Order-87, dated January 1, 1987.

[26] **English translation of Vitta (Bikri-Kar) Anubhag-2, Noti. No. S.T-2—6531/X-9(14)/84-U.P. Act-XV-48-Order-87, dated November 2, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 2nd November, 1987, p. 3** [P]

In exercise of the powers under sub-sections (1) and (2-A) of Section 4-A

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of the **Uttar Pradesh Sales Tax Act, 1948** (U.P. Act No. XV of 1948) read with Section 21 of the Uttar Pradesh General Clauses Act, 1904 (U.P. Act No. 1 of 1904), the Governor is pleased to make the following amendment in Government Notification No. S.T. 2—5181/X-9(14)/84-U.P. Act-XV-48-Order-87, dated August 21, 1987 :—

Amendment

In the Schedule to the aforesaid notification, in Column 4 against Serial Numbers 1 to 15, for the words "Five Years", the words "Six years" shall be *substituted*.

[27] **English translation of Vitta (Bikri-Kar) Anubhag-2, Noti. No. ST-2—4519/X-7(19)/87-U.P. Act-XV/48-Order-87, dated August 29, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 1st September, 1987, pp. 4-6** [P]

In exercise of the powers under Section 4-B of the **Uttar Pradesh Sales Tax Act, 1948** (U.P. Act No. XV of 1948) read with Section 21 of the Uttar Pradesh General Clauses Act, 1904 (U.P. Act No. 1 of 1904), and in supersession of all previous notifications issued under the aforesaid Section 4-B, the Governor is pleased—

(*a*) to declare the goods mentioned in Column 2 of Annexures I, II and III to this notification to be notified goods for the purposes of the aforesaid Section 4-B ; and

(*b*) to order that with effect from September 1, 1987, and subject to the conditions and restrictions specified in the said Section 4-B,—

(1) no tax shall be payable in respect of the sale to or, as the case may be, purchase by a dealer, holding a recognition certificate under sub-section (2) of the aforesaid Section 4-B, of any raw materials, accessories and component parts required for use in the manufacture by him of the notified goods mentioned in Column 2 of Annexure I or of any goods required for use in the packing of such notified goods manufactured by him ;

(2) no tax shall be payable in respect of the sale to or, as the case may be, purchase by a dealer, holding a recognition certificate as aforesaid, of goods mentioned in Column 3 of Annexure II required for use as raw material in the manufacture by him of the notified goods mentioned in Column 2 of the said Annexure ;

(3) in respect of the sale to or, as the case may be, purchase by a dealer, holding a recognition certificate as aforesaid, of goods mentioned in Column 3 of Annexure III required for use as raw materials, accessories or component parts in the manufacture by him of the notified goods mentioned in Column 2 of the said Annexure, or of goods required for use by him in the packing of such notified goods manufactured by him, tax shall be payable at the rates specified in Column 4 of the said Annexure ;

(4) in the case of a dealer being a new unit, holding a recognition certificate as aforesaid, the date of starting production whereof falls on or after October 1, 1982, no tax shall be payable or, as the case may be, tax shall be payable at the

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concessional rate of four per cent in respect of the sale to or, as the case may be, purchase by such new unit of sub-assemblies and consumable stores required for use in the manufacture by it of the notified goods mentioned in Column 2 of Annexure I or, as the case may be, Annexure III ; and

(5) in respect of the sale to or, as the case may be, purchase by any dealer, holding a recognition certificate as aforesaid, of machinery, plant, equipment, spare parts, processing materials, fuels or lubricants and in cases not covered by sub-clause (4) above, of consumable stores and sub-assemblies, required by such dealer for use in the manufacture by him of any of the notified goods mentioned in Annexures I, II and III, tax shall be payable at the concessional rate of four per cent :

Provided that no concession under this notification shall be admissible—

(*i*) if the turnover of goods manufactured by the dealer is exempt from tax under Section 4 of the said Act of 1948 ; and

(*ii*) in respect of the sale to or purchase by Distilleries and Breweries and dealers engaged in the manufacture of paper, Catechu (Kattha), matches, empty match boxes, match plints and match veneers.

Explanation.—The expressions 'new unit' and 'date of starting production' shall have the meanings assigned to them in Section 4-A of the Uttar Pradesh Sales Tax Act, 1948.

ANNEXURE I

Sl. No.	Names of notified goods
1	2
1	Bicycles, tricycles perambulators and parts and accessories thereof including seat tops (saddle).
2	Glass and Glass-ware including optical glass in all its forms but excluding ornamented or cut glass bangles.
3	Oils extracted by solvent extraction process.
4	All kinds of packing materials including cases and containers.
5	Rubber and Rubber products.
6	Pencils other than lead pencils.
7	Paints, Varnishes, enamels, thinners and allied surface coating products and constituents thereof.
8	Vitreous enamelled products.
9	Pressure cookers and parts thereof.

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1	2
10	Sports goods including sports shoes and playfield and gymnasium equipment.
11	Iron and steel as defined in Section 14 of the Central Sales Tax Act, 1956.
12	All kinds of batteries and their parts.
13	Electric furnace, and parts and accessories thereof.
14	(*a*) Lighting fixtures for use with bulbs, tubes or mercury vapour lamps, but excluding— (*i*) bulbs, tubes or mercury vapour lamp, (*ii*) Wooden boards, switches, external wiring and all other wiring materials like battens, cleats, clips etc. (*b*) Accessories of lighting fixtures, namely chokes, starters, seats, holders and condensers for power factor correction.
15	Measuring and controlling equipment and photo-electric cells, heating elements, resistance wires, regulators and guages for measuring equipments.
16	X-ray, infra-red and high frequency equipment and their component parts, for medical and industrial application.
17	Rexine, linoleum and flocked, velvety or suede type plastic cloth.
18	Tooth powder and tooth paste.
19	Small tools, cutting tools, portable power tools and other workshop tools.
20	All kinds of buttons.
21	Canvas shoes.
22	Electric switchgear and motor starters.
23	Miniature and auto-bulbs.
24	Hosiery products.
25	Fountain pens, ball pens, artist pens.
26	Earthenware crockery.
27	Stoneware crockery.
28	Porcelain crockery excluding bone China crockery.
29	Stonewares including hospital stone wares.
30	Electrical porcelain, that is to say, insulators and electro-porcelain.
31	Chemical porcelain.
32	Technical porcelain.
33	Porcelain tiles.
34	Nuts, bolts, screws and nails.
35	Exercise books.
32	Cast iron manhole covers and frames cast iron pipes and fittings and cast iron weights.
37	Woollen sweaters and cardigans.
38	Vanaspati including refined coconut oil, refined groundnut oil and margarine.
39	Arc welding Electrodes.

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ANNEXURE II

Sl. No.	Names of notified goods	Names of raw materials
1	2	3
1	Mentha Oil	.. Mentha Herb
2	Menthol	.. Mentha Oil
3	Rice	.. Paddy
4	Leather Board	.. Leather cuttings
5	Carpets	.. Hand-spun woollen fibre popularly know as 'Desi Kati'.
6	Harrows	.. Steel Discs
7	Atta, Maida and Suji manufactured by Roller Flour Mills.	Wheat, if purchased from the Food Corporation of India.
8	Bakery products that is to say, bread, biscuit, cakes, buns, pastries and rusks.	Atta, Maida and Suji.
9	Lime-Stone Chips and Lime Stone Powder	Lime-Stone.

ANNEXURE III

Sl. No.	Names of notified goods	Names of raw materials etc.	Rate of tax on raw materials etc.
1	2	3	4
	All other goods	(1) Oil Seeds	2 per cent
		(2) Oil-cake	3 per cent
		(3) Any other raw materials, accessories and component parts, and packing materials.	4 per cent

[28] **English translation of Vitta Vibhag, Noti. No. SR(IF) 1938-X-87—37—(5)-RD-83, dated July 9, 1987, published in the U.P. Gazette, Part-1, dated 5th September, 1987, pp. 1842-1843**

In exercise of the powers under clause (*g*) of Section 2 of the **Uttar Pradesh Public Moneys (Recovery of Dues) Act, 1972** (U.P. Act No. 23 of 1972), as amended by the Uttar Pradesh Public Moneys (Recovery of Dues) (Amendment) Act, 1975 (U.P. Act 17 of 1975), the Governor is pleased to make the following modifications in certain clauses of the Schedule annexed to the Notification No. SR(1F)/4421/X—85/37(5) RD-83, dated October 17, 1985 declaring scheme for providing Self-employment to Educated Un-employed Youth in the State of Uttar Pradesh by Commercial Banks as State Sponsored Scheme and thereafter certain modification in the same clauses of the said scheme, *vide* Notification

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No. SR(IF) 4173/X—86/37(5) RD-83, dated September 23, 1986 within the meaning of the said clause :

Clause	Modification
1. Period of the Scheme.	The scheme will remain into operation in the remaining period of the VII Five Year Plan period, i.e. upto March 31, 1990 as a State Sponsored Scheme under U.P. Public Moneys (Recovery of Dues) Act.
2. Rate of Interest.	All loans for amount upto Rs. 25,000 will carry interest at the existing rates (i.e. per 10 cent in backward areas and 12 per cent in other areas) loans exceeding Rs. 25,000 (subject to the ceilling of 35,000) for industrial ventures will attract interest as applicable under RBI interest rate directives, for term loans to SSI Units is 12.5 per cent in backward areas and 13.5 per cent in other areas.
3. Other input (Terms and Conditions).	The other terms and conditions for loans in excess of Rs. 25,000 for industrial ventures would be in accordance with the guide-lines issued by Reserve Bank of India for priority sector lending.

[29] **Director of Medicaî, Health and Family Welfare, U.P., Noti. No. XXVIII-F/87—3434(1), dated June 15, 1987, published in the U.P. Gazette, Part-1-ka, dated 5th September, 1987, p. 2015**

In pursuance of clause (*iv*) of Section 7 of the **Prevention of Food Adulteration Act, 1954** (Act XXXVII of 1954), I, Dr. S.C. Bhalla, the Food (Health) Authority, Uttar Pradesh hereby in the interest of Public Health, prohibit the sale, manufacture for sale and store for sale, distribution of salt other than iodised salt with effect from October 2, 1987 in the districts, namely Saharanpur, Muzaffarnagar, Meerut, Moradabad, Ghaziabad, Bulandshahr, Aligarh, Mathura, Etah, Agra, Mainpuri, Farrukhabad, Etawah, Jalaun, Jhansi, Lalitpur, Hamirpur, Banda, Fatehpur, Kanpur (Sahar), Kanpur (Dehat), Hardoi, Unnao, Rae-Bareli, Lucknow, Sitapur, Bara Banki, Sultanpur, Faizabad, Pratapgarh, Allahabad, Jaunpur, Azamgarh, Ballia, Ghazipur, Varanasi, Mirzapur.

The Order shall be enforced with effect from October 2, 1987, within the notifying districts and from the date of prohibition order only iodised salt will be made available for consumption throughout the State.

Defiance of such order shall be punishable under Section 16 of the Prevention of Food Adulteration Act.

Iodised salt means which conforms to the standard fixed for under the Prevention of Food Adulteration Rules, 1955.

[30] **English translation of Vitta (Bikri-Kar) Anubhag-2, Noti. No. S.T. 2—6532/X-9(14)/84-Act-74-56-Order-87, dated November 2, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 2nd November, 1987, p. 3** [P]

In exercise of the powers under sub-section (5) of Section 8 of the **Central Sales Tax Act, 1956** (Act No. 74 of 1956) read with Section 21 of the General Clauses Act, 1897 (Act No. X of 1897), the Governor is pleased

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to make the following amendment in Government Notification No. S.T.-2—5182/X-9(14)/84-Act-74-56-Order-87, dated August 21, 1987 :—

Amendment

In the Schedule to the aforesaid notification, for Serial Numbers 1 to 15, the following serials columns-wise shall be *substituted*, namely :

Sl. No.	Name of industrial Unit	Name of goods	Date up to which exemption will be available
1	2	3	4
1	M/s Haryana Packaids Pvt. Ltd., NOIDA, District, Ghaziabad.	Corrugated Paper Board	December 5, 1988.
2	M/s United (India) Metal Forgings Pvt. Ltd. NOIDA, District Ghaziabad.	Pressure cookers and parts thereof	April 20, 1989,
3	M/s Stitchwell Qualitex, NOIDA, district, Ghaziabad.	Light Engineering Goods and Agricultural implements.	October 21, 1988.
4	M/s Modern Plastic India, NOIDA, district Ghaziabad.	KM/RDHI films and bags	October 4, 1988.
5	M/s S.K. Tiles (Pvt.) Ltd. NOIDA, district Ghaziabad.	Marble Tiles	October 10, 1988.
6	M/s Clifton Metal Closers, NOIDA, District Ghaziabad.	Crown Corks	November 24, 1988.
7	M/s Jyoti Rubber and Plastic Industries (Pvt.) Ltd., NOIDA, district Ghaziabad.	Paper, Corrugated Sheets and Ply propyllin films and bags.	February 19, 1989.
8	M/s Sumitra Jute Bags Co., NOIDA, district Ghaziabad.	Jute bags	November 5, 1988.
9	M/s Banwari Lal Prahlad Rai, NOIDA, district Ghaziabad.	Latex Rubber foam tresses and pillows.	October 10, 1988.
10	M/s Bhandari Manufacturing Works NOIDA, district Ghaziabad.	Cream Separator	October 28, 1988.
11	M/s S.R. Engineering Co., NOIDA, district Ghaziabad.	CRC/PCRC printed sheets.	September 30, 1988

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1	2	3	4
12	M/s Uniplas India Pvt. Ltd., NOIDA, district Ghaziabad.	P.V.C. Pipes and fittings.	December 24, 1988.
13	M/s Priya Electricals, NOIDA, district Ghaziabad.	Metal and Switches (Upto 200 amperes).	November 1, 1988.
14	M/s Jyoti Metal Industries, NOIDA, district Ghaziabad.	Stainless steel utensils.	November 14, 1988.
15	M/s Bansal Udyog, NOIDA, district Ghazibad.	Washing Soap.	February 13, 1989.

[31] **English translation of Vitta (Bikri-Kar) Anubhag-2, Noti. No. S.T.-2—6669/X-9(154)/84-Act-74-56-Order-87, dated November 2, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 2nd November, 1987, p. 4** [P]

In exercise of the powers under sub-section (5) of Section 8 of the **Central Sales Tax Act, 1956**, (Act No. 74 of 1956) read with Section 21 of the General Clauses Act, 1897 (Act No. X of 1897), the Governor is pleased to rescind Government Notification No. S.T. 2—4116/X-9(154)84-Act 74-56-Order—86, dated July 31, 1986, as amended by Notification No. S.T.-2—8599/X-9(154) 84-Act-74-56-Order-87, dated January 1, 1987.

[32] **English translation of Karmik Vibhag (Anubhag-2), Noti. No. 18/2/1981 Karmik-2, dated March 21, 1987, published in the U.P. Gazette, Part 1-Ka, dated 26th September, 1987, p. 1722** [A]

In exercise of the powers under the proviso to Article 309 of the Constitution, the Governor is pleased to make the following rules:

1. Short title and commencement.—(1) These rules may be called the **Uttar Pradesh Recruitment of Services (Age-Limit) (Sixth Amendment) Rules, 1987.**

(2) They shall come into force at once.

2. Amendment of Rule 2.—In the Uttar Pradesh Recruitment of Services (Age-Limit) Rules, 1972, for the existing Rule 2, the following rule shall be *substituted*:

'*2. Maximum age limit.*—(1) The upper-age-limit for recruitment to all such services and posts, except the services and posts filled through Combined State Services Examinations, under the rule making power of the Governor, for which the upper age-limit is less than Thirty Years shall be Thirty Years.

(2) The upper age-limit for recruitment to all such services and posts, under the rule making power of the Governor, as are filled through the Combined State Services Competitive Examination shall be twenty-eight years:

Provided that where advertisement has been made before the commencement of the Uttar Pradesh Recruitment of Services (Age-limit) (Sixth Amendment) Rules, 1987, the upper age-limit shall be as it existed before the commencement of the said rules.''

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[33] **English translation of Karmik Vibhag (Anubhag-1), Noti. No. 15/-66/81-Karmik-1, dated April 24, 1987, published in the U.P. Gazette, Part 1-Ka, dated 26th September, 1987, pp. 1720-1721** [A]

In exercise of the powers conferred by the proviso to Article 309 of the **Constitution**, the Governor is pleased to make the following rules :

1. **Short title and commencement.**—(1) These rules may be called the **Uttar Pradesh Promotion by Selection in Consultation with Public Service Commission (Procedure) (Amendment) Rules, 1987.**

(2) They shall come into force at once.

2. **Amendment of Rule 4.**—In Rule 4 of the Uttar Pradesh Promotion by Selection in Consultation with Public Service Commission (Procedure) (Amendment) Rules, 1970, hereinafter referred to as the said rules, clause (*dd*) shall be deleted.

3. **Deletion of Rules 7-A and 7-B.**—In the said rules, Rules 7-A and 7-B shall be deleted.

4 **Amendment of Rule 8.**—In Rule 8 of the said rules—

(*i*) for the words and figures :

"For 1 to 5 vacancies—5 times the number of vacancies subject to a minimum of 15 ;

for 6 to 12 vacancies—4 times the number of vacancies, subject to a minimum of 25 ;

for over 12 vacancies—3 times the number of vacancies to a minimum of 50."
the following words and figures shall be *substituted* :

"3 times the number of vacancies subject to the minimum of 8."

(*ii*) After the third proviso, the following proviso shall be *inserted*, namely :

"Provided also that if eligibility list is being prepared for substantive vacancies, the names of candidates who have previously been appointed in temporary or officiating vacancies from List B shall be included in the eligibility list if otherwise found eligible."

(*iii*) In the explanation, the words "after taking into account the probable absorption of candidates of the select list (as rearranged in accordance with rule 7-A) or of list 'B' against substantive vacancies" shall be *omitted.*

5. **Amendment of Rule 13.**—In Rule 13 of the said rules—

(*a*) in sub-rule (1) in clause (II) thereof, the words "as well as the names of the candidates, if any carried over on review from

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any pending list B in accordance with sub-rule (2) rule 16" shall be *omitted*;

(*b*) sub-rule (2) shall be *omitted*.

6. **Substitution of Rule 15.**—In the said rules, for Rule 15, the following rule shall be *substituted* namely:

"15. The appointing authority shall rearrange each of the lists A and B in the order of seniority".

7. **Deletion of Rule 16.**—In the said rules, Rule 16 shall be deleted.

8. **Amendment of Rule 18.**—In the said rules, for the Rule 18, the following rule shall be *substituted*, namely:

"18. Subject to the provisions of sub-rule (2) of Rule 17, candidates included in list B shall be appointed in the order in which their names appear in the list, as rearranged under Rule 15, against temporary or officiating vacancies:

Provided that subject to the provisions of the rule, list B remaining unutilised after completion of one year from date of receipt of select list, shall cease to be operative:

Provided further that subject to the provisions of sub-rule (2), list A, remaining unutilised after completion of one year from date of receipt of select list, shall cease to be operative:

Provided also that list A and list B of a year of a recruitment shall be utilised only for vacancies of that year of recruitment:

Provided that if it appears to the appointing authority at any time that a Government servant appointed against a temporary or officiating vacancy had not made sufficient use of his opportunity or has otherwise failed to give satisfaction, it may revert him to the post from which he was promoted without assigning any reason.

9. **Deletion of Rule 19.**—In the said rules, Rule 19 shall be deleted.

[34] **English translation of Karmik Anubhag-2 Noti. No. 18/2/1981-Karmik-2, dated March 21, 1987, published in the U.P. Gazette, Part 1-Ka, dated 8th August, 1987, p. 1446** [A]

In exercise of the powers under the Proviso to Article 309 of the **Constitution**, the Governor is pleased to make the following rules:

1. **Short title and commencement.**—These rules may be called the **Uttar Pradesh Recruitment to Services (Age Limit) (Sixth-Amendment) Rules, 1987.**

(2) They shall come into force at once.

2. **Amendment of Rule 2.**—In the Uttar Pradesh Recruitment to Services (Age Limit) Rules, 1972, for the existing Rule 2 the following rule

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shall be *substituted*:

"2. *Maximum Age limit.*—(1) The upper age limit for recruitment to all such services and posts except the services and posts filled through Combined State Services Examinations, under the rule making power of the Governor, for which the upper age limit is less than thirty years, shall be thirty years.

(2) The upper age limit for recruitment to all such services and posts, under the rule making power of the Governor, as are filled through the Combined State Services Competitive examination shall be twenty eight years:

Provided that where advertisement has been made before the commencement of the Uttar Pradesh Recruitment to services (Age Limit) (Sixth Amendment) Rules, 1987, the upper age limit shall be as it existed before the commencement of the said rules."

[35] English translation of Khadya Tatha Rasad Vibhag, Noti. No. 1632/XXIX-ANU—9-58-Namak-86, dated April 10, 1987, published in the U.P. Gazette, Part 1-Ka, dated 5th September 1987, p. 1650

In exercise of the powers under Section 3 of the **Essential Commodities Act, 1955** (Act No. 10 of 1955), read with notfication of the Government of India in the Ministry of Food, Agriculture, Community Development and Cooperation (Department of Food), No. G. S. R. 1111, dated July 24, 1967 as amended by G. S. R. 1508, dated September 30, 1967, and with the prior concurrence of the Government of India, the Governor is pleased to make the following order with a view to amending the Uttar Pradesh Salt (Manufacture, Distribution and Movement) Control Order, 1956:

1. **Short title and commencement.**—(1) This order may be called the **Uttar Pradesh Salt (Manufacture, Distribution and Movement) Control (Seventh Amendment) Order, 1987.**

(2) It shall come into force at once.

2. **Amendment of Clause 1.**—In the Uttar Pradesh Salt (Manufacture, Distribution and Movement), Control Order, 1956, hereinafter referred to as the said order, in Clause 1, for the existing sub-clause (*ii*) the following sub-clause shall be *substituted*; namely—

"(*ii*) It extends to the whole of Uttar Pradesh provided that in the case of salt other than rock salt imported from Pakistan, Clauses 5 and 9 shall not apply to any district of Uttar Pradesh, but that in the case of iodised salt, Clause 5 shall apply to the districts of Almora, Chamoli, Dehra Dun, Garhwal, Naini Tal, Pithoragarh, Tehri-Garhwal, Uttarkashi, Bijnor, Rampur, Budaun, Basti, Shahjahanpur, Gorakhpur, Bahraich, Gonda, Bareilly, Deoria, Kheri and Pilibhit only."

3. **Amendment of Clause 6.**—In Clause 6 of the said order, the existing Note shall be numbered as Note I and after Note I as so numbered, the following Note shall be inserted namely:

Note II.—The sale of salt other than iodised salt, as an article of food is prohibited within the districts of Rampur, Badaun, Basti, Shahjahanpur, Gorakhpur, Bahraich, Gonda, Bareilly, Deoria, Kheri, Pilibhit *vide* order No. 28 F. 675, dated January 18, 1986 issued by the State Food (Health) Authority, U. P., under clause (*iv*) of Section 7 of the Prevention of Food Adulteration Act, 1954 (Act No. 37 of 1954).

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[36] **Karyalaya, Chakbandi Ayukta, Uttar Pradesh, Lucknow, Noti. No. 6489/G—160-70, dated June 30, 1987, published in the U.P. Gazette, Part 1-Ka, dated 26th December, 1987, p. 2387**

उत्तर प्रदेश जोत चकबंदी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954 ई०) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति संख्या 3741—सी०एच०आई०ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथाप्रतिनिहित अधिकारों का प्रयोग करके मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूँ कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील घोसी, परगना नत्थूपुर, ग्राम किशनपुर उर्फ सुग्गी चौरा, जिला आजमगढ़ में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया :

[37] **Karyalaya, Chakbandi Ayukta, Uttar Pradesh, Lucknow, Noti. No. 6490/G—175-59, dated June 30, 1987, published in the U.P. Gazette, Part 1-Ka, dated 26th December, 1987, p. 2387**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954 ई०) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति संख्या 3741/सी०एच०आई०ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथाप्रतिनिहित अधिकारों का प्रयोग करके मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूँ कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील मोहम्मदाबाद गोहना, जिला आजमगढ़ के नीचे दी गई अनुसूची में उल्लिखित गांवों में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया है :

ग्रामों की सूची

जनपद आजमगढ़, तहसील मोहम्मदाबाद गोहना, परगना मोहम्मदाबाद गोहना, ग्रामों के नाम.—1. देवकली तारन। 2. कुशहा ब्रह्मानान। 3. देवकली धर्माजीत। 4. देवकली खतीब। 5. हाजी पट्टी।

[38] **Karyalaya, Chakbandi Ayukta, Uttar Pradesh, Lucknow, Noti. No. 7156/G—40/54-80, dated July 22, 1987, published in the U.P. Gazette, Part 1-Ka, dated 26th December, 1987, p. 2389**

चूंकि फैजाबाद जिले की फैजाबाद तहसील में पुनः चकबन्दी कराने से सम्बन्धित **उत्तर प्रदेश जोत चकबंदी अधिनियम, 1953** (उत्तर प्रदेश अधिनियम सं० 5, 1954 ई०) की धारा 4-क की उपधारा (1) के अधीन अधिसूचना संख्या 65(4)/48/77—रा०-8 दिनांक 13 मई, 1980 प्रकाशित की जा चुकी है;

अतएव, सरकारी विज्ञप्ति सं० 65/48—77—राजस्व-8, दिनांक 11 जून, 1980 के साथ पठित उपर्युक्त अधिनियम की धारा 4-क की उपधारा (2) के अधीन अधिकारों का प्रयोग करके मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ राज्य सरकार के पूर्वानुमोदन से एतद्द्वारा विज्ञापित करता हूँ कि तहसील फैजाबाद, परगना हवेली अवध, जिला फैजाबाद के ग्राम पहाड़गंज में, चकबन्दी क्रियायें पुनः आरम्भ करने का विनिश्चिय किया गया है।

[39] **Karyalaya, Chakbandi Ayukta, Uttar Pradesh, Lucknow, Noti. No. 7157/G—201-64, dated July 22, 1987, published in the U.P. Gazette, Part 1-Ka, dated 26th December, 1987, p. 2389**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954 ई०) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति संख्या 3741—सी०एच०आई०ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथाप्रतिनिहित अधिकारों का प्रयोग करके मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील सदर, जिला मिर्जापुर

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के नीचे दी गई अनुसूची में उल्लिखित गांवों में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया :

ग्रामों की सूची

जिला मिर्जापुर, तहसील सदर, परगना कंतित, ग्रामों के नाम.—1. बसुहरा । 2. मवई खुर्द ।

[40] **Karyalaya, Chakbandi Ayukta, Uttar Pradesh, Lucknow, Noti. No. 7158/G—201-64, dated July 22, 1987, published in the U.P. Gazette, Part 1-Ka, dated 26th September, 1987, p. 2389**

उत्तर प्रदेश जोत चकबंदी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954 ई०) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति संख्या 3741—सी०एच०आई०ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथाप्रतिनिहित अधिकारों का प्रयोग करके मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूँ कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील सदर, जिला मिर्जापुर के नीचे दी गई अनुसूची में उल्लिखित गांवों में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया :

ग्रामों की सूची

जिला मिर्जापुर, तहसील सदर, तप्पा/परगना कंतित, ग्रामों के नाम.—1. अर्जुनपुर । 2. अकबर पट्टी । 3. खुटहा ।

तप्पा/परगना, चौरासी/कंतित, ग्रामों के नाम.—4. गंगापुरा । 5. डाड़ी ।

तप्पा/परगना, कोन/कंतित, ग्राम का नाम.—6. दुर्गापुर ।

तप्पा/परगना, चौरासी/कंतित, ग्रामों के नाम.—7. नौहा । 8. नेवढ़िया ।

तप्पा/परगना, कोन कंतित, ग्रामों के नाम.—9. नरायनपुर । 10. पटेहरा ।

तप्पा/परगना, चौरासी/कंतित, ग्रामों के नाम.—11. बिहारी । 12. बरकछा कलां ।

तप्पा/परगना, कोन/कंतित, ग्राम का नाम.—13. भोगांव ।

तप्पा/परगना, चौरासी/कंतित, ग्रामों के नाम.—14. मझगवा । 15. महदेवा । 16. लढ़ू । 17. सिनहर । 18. सेमरा ।

[41] **Karyalaya, Chakbandi Ayukta, Uttar Pradesh, Lucknow, Noti. No. 5151/G—155-69, dated May 20, 1987, published in the U. P. Gazette, Part 1-Ka, dated 28th November, 1987, p. 2000**

उत्तर प्रदेश जोत चकबंदी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954 ई०) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति संख्या 3741—सी०एच०आई०ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथाप्रतिनिहित अधिकारों का प्रयोग करके मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूँ कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील व परगना नौगढ़, तप्पा हाटा, ग्राम गायघाट, जिला बस्ती में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया :

[42] **Karyalaya, Chakbandi Ayukta, Uttar Pradesh, Lucknow, Noti. No. 5631/G—227-62, dated June 5, 1987, published in the U.P. Gazette, Part 1-Ka, dated 28th November, 1987, p. 2003**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954 ई०) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति संख्या 3741/सी०एच०आई०ई०—

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454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथाप्रतिनिहित अधिकारों का प्रयोग करके मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूँ कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील खलीलाबाद, जिला बस्ती के नीचे दी गई अनुसूची में उल्लिखित गांवों में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया :

ग्रामों की सूची

जिला बस्ती, तहसील खलीलाबाद, परगना मगहर पूरब, तप्पा ऊन, ग्रामों के नाम.—1. खटौली। 2. कुसुमी डाड़ी।

[43] **Karyalaya, Chakbandi Ayukta, Uttar Pradesh, Lucknow, Noti. No. 5739/G–329-58, dated June 11, 1987, published in the U.P. Gazette, Part 1-Ka, dated 28th November, 1987, p. 2003**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954 ई०) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति संख्या 3741/सी०एच०आई०ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथाप्रतिनिहित अधिकारों का प्रयोग करके मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूँ कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील व जिला बुलन्दशहर, परगना अगौता के ग्राम मालागढ़ में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया :

[44] **Karyalaya, Chakbandi Ayukta, Uttar Pradesh, Lucknow, Noti. No. 5740/G—216-62, dated June 11, 1987, published in the U.P. Gazette, Part 1-Ka, dated 28th November, 1987, p. 2003**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954 ई०) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति संख्या 3741/सी०एच०आई०ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथाप्रतिनिहित अधिकारों का प्रयोग करके मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूँ कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील अनूपशहर, जिला बुलन्दशहर के नीचे दी गई अनुसूची में उल्लिखित गांवों में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चिय किया गया :

ग्रामों की सूची

जिला बुलन्दशहर, तहसील अनूपशहर, परगना डिबाई, ग्रामों के नाम.—1. मुमरेजपुर। 2. बुद्धपुर।

[45] **Karyalaya, Chakbandi Ayukta, Uttar Pradesh, Lucknow, Noti. No. 5741/G—157-70, dated June 11, 1987, published in the U.P. Gazette, Part 1-Ka, dated 28th November, 1987, p. 2003**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम संख्या 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति संख्या 3741/सी०एच०आई०ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथाप्रतिनिहित अधिकारों का प्रयोग करके मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूँ कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील हरैया, ग्राम परसरामपुर, परगना अमोढ़ा तथा पुरैना, जिला बस्ती में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चिय किया गया।

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[46] **Karyalaya, Chakbandi Ayukta, Uttar Pradesh, Lucknow, Noti. No. 5742/G—249-64, dated June 11, 1987, published in the U.P. Gazette, Part 1-Ka, dated 28th November, 1987, p. 2003**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम संख्या 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति संख्या 3741/सी०एच०आई०ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथाप्रतिनिहित अधिकारों का प्रयोग करके मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील खुर्जा, जिला बुलन्दशहर के नीचे दी गई अनुसूची में उल्लिखित गांवों में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया :

ग्रामों की सूची

जिला बुलन्दशहर, तहसील खुर्जा, परगना खुर्जा, ग्रामों के नाम.—1. लखनबाड़ा। 2. हिसारा।

परगना पहासू, ग्राम का नाम.—3. हिसौटी।

[47] **Karyalaya, Chakbandi Ayukta, Uttar Pradesh, Lucknow, Noti. No. 5743/G—33-54-81, dated June 11, 1987, published in the U.P. Gazette, Part 1-Ka, dated 28th November, 1987, p. 2003**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम संख्या 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति संख्या 3741/सी०एच०आई०ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथाप्रतिनिहित अधिकारों का प्रयोग करके मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील सिकन्दराबाद, परगना दनकौर के ग्राम गढ़ीसमसपुर, जिला बुलन्दशहर में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

[48] **Karyalaya, Chakbandi Ayukta, Uttar Pradesh, Lucknow, Noti. No. 7719/G—50-80, dated August 10, 1987, published in the U.P. Gazette, Part 1-Ka, dated 2nd January, 1988, p. 28**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी०एच०आई०ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथाप्रतिनिहित अधिकारों का प्रयोग करके मैं, एस० दास चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञाप्ति करता हूँ कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील मुसाफिरखाना, परगना जगदीशपुर, ग्राम किशनी, जिला सुल्तानपुर में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

[49] **Karyalaya, Chakbandi Ayukta, Uttar Pradesh, Lucknow, Noti. No. 7718/G—176-66, dated August 10, 1987, published in the U.P. Gazette, Part 1-Ka, dated 2nd January, 1988, p. 28**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति संख्या 3741/सी०एच०आई०ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथाप्रतिनिहित अधिकारों का प्रयोग करके मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञपित करता हुं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील चकिया, जिला वाराणसी के नीचे दी हुई अनुसूची में उल्लिखित गांवों में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया :

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ग्रामों की सूची

जिला वाराणसी, तहसील चकिया, परगना केरा-मगरौर, ग्रामों के नाम.—1. अमदहा चरनपुर। 2. बोदलपुर। 3. गोलाबाद। 4. डोमरिया। 5. नवडीहवा। 6. देवखत। 7. अमृतपुर। 8. मरवटिया। 9. नोनवट। 10 परसिया। 11. टिकुरिया। 12. पड़हवा। 13. बरबसपुर। 14. भरदुआ। 15. तिवारीपुर। 16. बोझ। 17. कुबराडीह। 18. धनकुवारी कलां। 19. धनकुवारी खुर्द। 20. दानोगढ़। 21. हरियाबाघ। 22. चमेरबाघ। 23. भैंसड़ा। 24. नौगढ़। 25. लोहसनिया। 26. सरहसताल।

[50] **Karyalaya, Chakbandi Ayukta, Uttar Pradesh, Lucknow, Noti. No. 7720/G—250-64, dated August 10, 1987, published in the U.P. Gazette, Part 1-Ka, dated 2nd January, 1988, p. 29**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी०एच०आई०ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथाप्रतिनिहित अधिकारों का प्रयोग करके मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूँ कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील नकुड़, जिला सहारनपुर के नीचे दी गयी अनुसूची में उल्लिखित गांवों में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

ग्रामों की सूची

जिला सहारनपुर, तहसील नकुड़, परगना सरसावा, ग्रामों के नाम.—1. अहमद सादात। 2. अगवान हेड़ा। 3. कुतुबपुर मुस्तहकम। 4. कुन्डी। 5. ताजपुर। 6. घोला पड़ा। 7. बर खेड़ी। 8. बुढेड़ा। 9. सरसावा।

परगना सुल्तानपुर, ग्रामों के नाम.—10 कालूमजरा। 11. गुमटी। 12. घाघोंडा मुस्तहकम। 13. जानिस नगर। 14. जैरामपुर। 15. पटनी। 16. मुर्तजानगर। 17. मलकपुर। 18. शाहजहांपुर। 19. सादुल्लापुर कलां। 20. हुसेनपुर अहतमाल मुस्तहकम जदीद।

परगना नकुड़, ग्रामों के नाम.—21. कल्लरहेड़ी। 22. कुलहेड़ी। 23. डाला मजरा। 24. सहसपुर जट। 25. सराजपुर सैय्यद। 26. हलवाना मुस्तहकम।

परगना गंगोह, ग्रामों के नाम.—27. उमरपुर। 28. जानपुरउर्फ माजरी। 29. तोफापुर बहादर। 30. नूर खेड़ी। 31. पीरमजरा माफीदवाम। 32. फतेहचन्दपुर। 33. पीरमजरा तोपीर। 34. परबनपुर। 35. वजीरपुर। 36. बंकापुर। 37. बेरखेड़ी मुसलमान। 38. मंहगी। 39. मोहम्मदपुर रोड। 40. रामरायखेड़ी। 41. रानीखेड़ी गूजर। 42. सतमरा।

[51] **Karyalaya, Chakbandi Ayukta, Uttar Pradesh, Lucknow, Noti. No. 6459/G—159-70, dated June 20, 1987, published in the U.P. Gazette, Part 1-Ka, dated 26th December, 1987, p. 2385**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम संख्या 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति संख्या 3741/सी०एच०आई०ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथाप्रतिनिहित अधिकारों का प्रयोग करके मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील कुण्डा, जिला प्रतापगढ़ के नीचे दी गई अनुसूची में उल्लिखित गांवों में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया :

ग्रामों की सूची

जिला प्रतापगढ़, तहसील कुण्डा, परगना बिहार, ग्रामों के नाम.—1. मोहतरीमपुर। 2. महराजपुर। 3. रूहेली।

परगना मनिकपुर, ग्रामों के नाम.—4. मुहम्मदपुर। 5. काछी पट्टी। 6. जोत चमन।

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[52] **English translation of Shram Anubhag-3, Noti. No. 2562/XXXVI-3—37(F)-84, dated August 30, 1986, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 30th August, 1986, pp. 8-14**

In exercise of the powers under Sections 87 and 112 of the **Factories Act, 1948** (Act No. LXIII of 1948), the Governor is pleased to make the following rules after their previous publication with Government Notification No. 1832/XXXVI-3—37(F) 84, dated April 25, 1985, as required by Section 115 of the said Act:

The Uttar Pradesh Factories (Fifty-fourth Amendment) Rules, 1986

(*See* Sections 87, 112 and 115 of the Factories Act, 1948)

1. Short title and commencement.—(1) These rules may be called the Uttar Pradesh Factories (Fifty-fourth Amendment) Rules, 1985.

(2) They shall come into force with effect from the date of their publication in the Gazette.

2. Amendment of Rule 109.—In the Uttar Pradesh Factories Rules, 1950, hereinafter referred to as the said rules, for Rule 109(1), (2), (3) and (4) the following rule shall be *substituted*:

"109. *Dangerous Manufacturing process of operations.*—(1) The following manufacturing processes or operations when carried on in any factory are declared to be dangerous manufacturing process or operations under Section 87:

(*i*) Manufacture of aerated water and processes incidental thereto.

(*ii*) Electrolytic plating or oxidation of metal articles by use of an electrolyte containing chromic acid or other chromium compounds.

(*iii*) Manufacture and repair of electric accumulators.

(*iv*) Glass manufacture.

(*v*) Grinding or glazing of metals.

(*vi*) Manufacture and treatment of lead and certain compounds of lead.

(*vii*) Generation of gas from dangerous petroleum.

(*viii*) Cleaning or smoothing of articles by a jet of sand, metal shot or grit or other abrasive propelled by a blast of compressed air or steam.

(*ix*) Liming and tanning or raw hides and skins and processes incidental thereto.

(*x*) Certain lead processes carried on in Printing Presses and Type Foundaries.

(*xi*) Dichromate manufacture.

(*xii*) Chemical works.

(*xiii*) Manufacture or manipulation of Carcenogenic Dye Intermediates.

(*xiv*) Manufacture, handling and usage of benzene and substances containing benzene.

(2) The provisions specified in the Schedules I to XIV annexed after Chapter XI shall apply to any class or description of factories wherein

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dangerous manufcaturing process is or operations specified in each Schedule are carried out.

(3) (*a*) For the medical examinations of workers to be carried out by the certifying surgeon as required by the Schedules annexed to this rule, the occupier of the factory shall pay fees at the rate of Rs. 6.00 per examination of each worker every time he is examined.

(*b*) The fees prescribed in clause (*a*) shall be exclusive of any charges for biological, radiological or other tests which may have to be carried out in connection with the medical examinations. Such charges shall also be payable by the occupier.

(*c*) Such percentage of fee fixed under clause (*a*) as may be determined from time to time as share due to Government shall be deposited into the treasury by the Certifying Surgeon under the relevant head of account and the rest shall be retained by him in accordance with para 361-A of Financial Handbook Vol. V, Part I. The share of Government until revised shall be seventy per cent of the total fees.

(4) This rule shall come into force in respect of any class or description of factories wherein the said manufacturing processes or operations are carried on from the date of enforcement of these rules, except for factories which were registered before April, 1949 in whose case this rule shall come into force from July 1, 1951."

3. Insertion of new Schedule XIV.—In the said rules after Schedule XIII, the following new Schedule shall be *added* as Schedule XIV.

SCHEDULE XIV

Manufacture handling and usage of benzene and substances containing benzene

1. This Schedule is made to provide protection against hazards of poisoning from benzene and shall apply in respect of factories or parts thereof in which benzene or substances containing benzene are manufactured, handled or used.

2. *Definitions.*—For the purpose of this Schedule :

(*a*) 'substances containing benzene' means substances wherein benzene content exceeds 1 per cent by volume ;

(*b*) 'substitute' means a chemical which is harmless or less harmful than benzene and can be used in place of benzene ;

(*c*) 'enclosed system' means a system which will not allow escape of benzene vapours to the working atmosphere ; and

(*d*) 'efficient exhaust draught' means localised ventilation effected by mechanical means for the removal of gases, vapours and dusts or fumes so as to prevent them from escaping into the air of any workroom. No draught shall be deemed to be efficient if it fails to remove smoke generated at the point where such gases, vapours, fumes or dusts originate.

3. *Prohibition and substitution.*—(1) Use of benzene and substances containing benzene is prohibited in the following processes—

(*a*) manufacture of varnish, paints and thinners ;

(*b*) cleaning and degreasing operations.

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(2) Benzene or substances containing benzene shall not be used as a solvent or diluent unless the processes in which it is used is carried on in an enclosed system or unless the processes is carried on in a manner which is considered equally safe as it were carried out in an enclosed system.

(3) Where suitable substitutes are available, they shall be used instead of benzene or substances containing benzene. This provision, however, shall not apply to the following processes :

(*a*) Production of benzene ;

(*b*) Process where benzene is used for chemical synthesis ; and

(*c*) Motor spirits (use and fuel).

(4) The Chief Inspector may, subject to confirmation by the State Government, permit exemptions from the percentage laid down in Paragraph 2(*a*) and also from the provisions of sub-paragraph (2) of this paragraph temporarily under conditions and within limits of time to be determined after consultation with the employers and workers concerned.

4. *Protection against inhalation.*—(1) The process involving the use of benzene or substances containing benzene shall as far as practicable be carried out in an enclosed system.

(2) Where, however, it is not practicable to carry out the process in an enclosed system, the workroom in which benzene or substances containing benzene are used shall be equipped with an efficient exhaust draught or other means for the removal of benzene vapours to prevent their escape into the air or the workroom so that the concentration of benzene in the air does not exceed 25 parts per million by volume or 80 milligrams per cubic metre.

(3) Air analysis for the measurements of concentration of benzene vapours in air shall be carried out every 8 hours or at such intervals as may be directed by the Chief Inspector at places where process involving use of benzene is carried on and the results of such analysis shall be recorded in a register specially maintained for this purpose. If the concentration of benzene vapours in air as measured by air analysis, exceeds 25 parts per million by volume or 80 milligrams per cubic metre, the Manager shall forthwith report the concentration of the Chief Inspector stating reasons for such increase.

(4) Workers who for special reasons are likely to be exposed to concentration of benzene in the air or the workroom exceeding the maximum referred in sub-paragraph (2) shall be provided with suitable respirators face masks. The duration of such exposure shall be limited as far as possible.

5. *Measures against skin contact.*—(1) Workers who are likely to come in contact with liquid benzene or liquid substance containing benzene shall be provided with suitable gloves, aprons, boots and where necessary vapour tight chemical goggles, made of material not affected by benzene or its vapours.

(2) The protective wear referred to in sub-paragraph (*i*) shall be maintained in good condition and inspected regularly.

6. *Prohibition relating to employment of women and young persons.*—No women or young person shall be employed or permitted to work in any work-room involving exposure to benzene or substances containing benzene.

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7. *Labelling.*—Every container holding benzene or substances containing benzene shall have the word "Benzene" and approved danger symbols clearly visible on it and shall also display information on benzene content warning about toxicity and warning about inflammability of the chemical.

8. *Improper use of benzene.*—(1) The use of benzene or substances containing benzene by workers for cleaning their hands or their work clothing shall be prohibited.

(2) Workers shall be instructed on the possible dangers arising from such misuse.

9. *Prohibition of consuming food, etc., in workroom.*—No workers shall be allowed to store or consume food or drink in the workroom in which benzene or substances containing benzene are manufactured, handled or used. Smoking and chewing tobacco or pan shall be prohibited into such workrooms.

10. *Instruction as regards risks.*—Every worker on his first employment shall be fully instructed on the properties of benzene or substances containing benzene which he has to handle and of the dangers involved. Workers shall also be instructed on the measure to be taken to deal with an emergency.

11. *Cautionary notices.*—Cautionary notices in the form specified in Appendix 'A' and presented in the language easily read and understood by the majority of the workers shall be displayed in prominent places in the workrooms where benzene or substances containing benzene are manufactured, handled or used.

12. *Washing facilities cloak room and messroom.*—In factories in which benzene or substances containing benzene are manufactured, handled or used the occupier shall provide and maintain in clean state and in good repair:

(1) Washing facilities under cover of the standard of at least one tap for every 10 persons having constant supply of water with soap and a clean towel provided individually to each worker if so ordered by the Inspector;

(2) A cloak room with lockers for each workers, having two compartments one for street clothing and one for work-clothing; and

(3) A messroom furnished with tables and benches with means for warming food, provided that where a canteen or other proper arrangements exist for the workers to take their meals, the requirements of messroom shall be dispensed with.

13. *Medical Examination.*—(1) Every worker who is to be employed in processes involving use of benzene or substances containing benzene, shall undergo—

(*a*) a thorough pre-employment medical examination including a blood test for fitness for employment by a certifying surgeon; and

(*b*) periodical medical examination including blood test and other biological tests at intervals of every 6 months by the factory medical officer with the asistance of a laboratory.

(2) Certificates of pre-employment medical examination and periodical medical examination including tests, shall be entered in a health register in Form No. 17, which shall be produced on demand by an Inspector.

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(3) If the factory medical officer on examination at any time is of the opinion that any worker has developed signs or symptoms of benzene exposure, he shall make a recrod of his findings in the said register and inform the manager in writing and on receipt of the information from the factory medical officer, the manager of the factory shall send the worker so found exposed, to the certifying surgeon who shall, after satisfying himself with the finding of the factory medical officer and conducting necessary examination, issue orders of temporary shifting of the worker or suspension of the worker in the process.

(4) The medical examination shall be arranged by the occupier or manager of the factory and the worker so examined shall not bear any expenses for it.

APPENDIX A

(PARAGRAPH 11)

(*a*) The hazard :

(1) Benzene and substances containing benzene are harmful.

(2) Prolonged or repeated breathing of benzene vapours may result in acute or chronic poisoning.

(3) Benzene can also be absorbed through skin which may cause skin and other diseases.

(*b*) The preventive measures to be taken :

(*i*) Avoid breathing of benzene vapours.

(*ii*) Avoid prolonged or repeated contact of benzene with the skin.

(*iii*) Remove benzene soaked or wet clothing promptly.

(*iv*) If any time you are exposed to high concentration of benzene vapours and exhibit the sign and symptoms such as dizziness, difficulty in breathing, excessive excitation and losing of consciousness, immediately inform your Factory Manager.

(*v*) Keep all the containers of benzene closed.

(*vi*) Handle, use and process benzene and substances containing benzene carefully in order to prevent their spillage on floor.

(*vii*) Maintain good house-keeping.

(*c*) The protective equipment to be used :

(*i*) Use respiratory protective equipment in place where benzene vapours are present in high concentration.

(*ii*) In emergency, use self-generating oxygen mask or oxygen or air-cylinder masks.

(*iii*) Wear hand gloves, aprons, goggles and gum boots to avoid contact of benzene with your skin and body parts.

(*d*) The First-aid measure to be taken in case of acute benzene poisoning :

(*i*) Remove the clothing immediately if it is wetted with benzene.

(*ii*) If liquid benzene enters eyes, flush thoroughly for at least 15 minutes with clean running water and immediately secure medical attention.

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(*iii*) in case of unusual exposure to benzene vapour call a physician immediately. Until he arrives do the following :

If the exposed person is conscious :

(*a*) Move him to fresh air in open.

(*b*) Lay him down without a pillow and keep him quiet and warm.

If the exposed person in unconscious :

(*a*) Lay him down preferably on the left side with the head low.

(*b*) Remove any false teeth ; chewing-gum tobacco or other foreign objects which may be in his mouth.

(*c*) Provide him artificial respiration in case difficulty is being experienced in breathing.

(*d*) In case of shallow breathing or cyanosis (blueness of skin, lips, ears, fingers nailbeds), he should be provided with medical oxygen or oxygen carbondioxide mixture. If needed, he should be given artificial respiration. Oxygen should be administered by a trained person only.

[53] Karyalaya, Chakbandi Ayukta, Uttar Pradesh, Lucknow, Noti. No. 6106/G—167-65, dated June 20, 1987, published in the U.P. Gazette, Part 1-Ka, dated 28th November, 1987, p. 2008

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम संख्या 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति संख्या 3741/सी०एच०आई०ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील व परगना बलरामपुर, ग्राम खैरहनिया, जिला गोण्डा में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

[54] Karyalaya, Chakbandi Ayukta, Uttar Pradesh, Lucknow, Noti. No. 6185/G—214-62, dated Jnue 20, 1987, published in the U. P. Gazette, Part 1-Ka, dated 28th November, 1987, p. 2010

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम संख्या 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति संख्या 3741/सी०एच०आई०ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारो का प्रयोग करके मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील व जिला लखनऊ, परगना बिजनौर के ग्राम मेमौरा में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

[55] High Court of Judicature at Allahabad (Administrative (E) Section), Noti. No. 459/X-C—3-1988, dated December 22, 1987, published in the U.P. Gazette, Part-2, dated 2nd January, 1988, pp. 2-3

In continuation of the Court's Notification No. 353/X-C—3-1988, dated August 22, 1987 the following list of holidays to be observed as closed holidays in the High Court of Judicature at Allahabad including Lucknow Bench of the Court during the year 1988 is published for general information :

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LIST OF DAYS TO BE OBSERVED AS CLOSED HOLIDAYS IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD INCLUDING LUCKNOW BENCH DURING THE YEAR 1988

Name of holidays	Dates on which they fall		Days of the week	Number of days
	According to Gregorian Calendar	According to Indian Calendar		
1	2	3	4	5
Basant Panchami	January 23, 1988	Magha 3, 1909	Saturday	1
Republic Day	January 26, 1988	Magha 6, 1909	Tuesday	1
Shiva Ratri	February 16, 1988	Magha 27, 1909	Tuesday	1
Holi	March 4 to 6, 1988	Phalguna 14 to 16, 1909	Friday to Sunday	3
Ram Naumi	March 26, 1988	Chaitra 6, 1910	Saturday	1
*Id-ul-Fitr	May 18, 1988	Vaishakha 28, 1910	Wednesday	1
Summer Vacation	May 23 to July 1, 1988	Jaishtha 2 to Asadha 10, 1910	Monday to Friday	40
*Id-uz-Zuha	July 25, 1988	Sravana 3, 1910	Monday	1
Independence Day	August 15, 1988	Sravana 24, 1910	Monday	1
Moharram	August 24, 1988	Bhadra 2, 1910	Wednesday	1
Raksha Bandhan	August 27, 1988	Bhadra 5, 1910	Saturday	1
Janamasthami	September 3, 1988	Bhadra 12, 1910	Saturday	1
Birth day of Mahatma Gandhi	October 2, 1988	Asvina 10, 1910	Sunday	1
Dashehra	October 17 to 21, 1988	Asvina 25 to 29, 1910	Monday to Friday	5
*Bara Wafat	October 24, 1988	Kartika 2, 1910	Monday	1
Deepawali	November 9 to 11, 1988	Kartika 18 to 20, 1910	Wednesday to Friday	3
Winter holidays	December 25 to 31, 1988	Pausa 4 to 10, 1910	Sunday to Saturday	7

Notes.—(1) *The dates can be refixed according to the local visibility of the moon.

(2) Second Saturday of each month will be a holiday.

(3) Friday, January 1, 1988 will be a holiday in continuation of Winter holidays for the year 1987 and in lieu thereof the Court will sit on Saturday, the 30th of January, 1988.

(4) Thursday, January 14, 1988 on account of Makar Sankranti and Tuesday, January 19,1988 on account of Mauni Amavasya will be holidays for Allahabad only.

(5) Friday, April 1, 1988 will be a holiday on account of Good Friday for Christians only.

(6) Tuesday, May 3, 1988 on account of Mahavir-Ji-Ka-Mela and Wednesday, November 23, 1988 on account of Kartika Purnima will be holidays for Lucknow Bench of the Court only.

(7) Friday, May 13, 1988 will be a holiday on account of "Last Friday of Ramzan" for Muslims only.

(8) There is a separate list of holidays for the courts subordinate to the High Court.

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[56] English translation of Abkari Vibhag, (Anubhag-4), Noti. No. 2636-E/XIII—699(1)-70, dated April 5, 1973, published in the U.P. Gazette, Part 1, dated 19th March, 1988, p. 519

In exercise of the powers under clause (*b*) of sub-section (2) of Section 10 of the **U P. Excise Act, 1910** (U. P. Act No. IV of 1910), the Governor is pleased to authorise the Superintendents of Excise of marginally noted districts to exercise the powers and perform the duties of Collector in respect of the administration of the Excise Department in the following matters in subordination of the Collector.

1. Allahabad.
2. Mirzapur.
3. Varanasi.
4. Gorakhpur.
5. Deoria.
6. Lucknow.
7. Gonda.
8. Kanpur.
9. Bareilly.
10. Lakhimpur-Kheri.
11. Jhansi.
12. Moradabad.
13. Rampur.
14. Naini Tal.
15. Pithoragarh.
16. Almora.
17. Meerut.
18. Dehra Dun.
19. Saharanpur.
20. Muzaffarnagar.
21. Agra.
22. Aligarh.

1. The settlement of number and location of the shops to be licensed within the district.
2. Selection of licensees.
3. Renewal and cancellation of licences.
4. Collection of licence fees.
5. Control over the behaviour of licensed vendors.
6. The maintenance of District Statistics and Accounts.
7. Grant of Awards.
8. Administration of contingent grants allotted to the district.
9. Powers under Section 16 of the said Act to grant passes :
   (*i*) For the export and transport of intoxicants exceeding the quantity prescribed under Section 15.
   (*ii*) Powers under Section 20 to grant permits for the possession of intoxicants in excess of the quantity declared in Section 6 up to the limit of sale by retail.

[57] High Court of Judicature at Allahabad (Administrative (E) Section), Noti. No. 460/X-C-4—1988-Admn. (E), dated December 22, 1987, published in the U.P. Gazette, Part-2, dated 2nd January, 1988, pp. 4-5

In continuation of Court's Notification No. 352/X-C-4—1988, dated August 22, 1987, the following list of holidays to be observed as closed holidays during the year 1988 is published for general information :

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LIST OF DAYS TO BE OBSERVED AS CLOSED HOLIDAYS IN THE COURTS SUBORDINATE TO HIGH COURT OF JUDICATURE AT ALLAHABAD DURING THE YEAR 1988

Name of holidays	Dates on which they fall		Days of the week	Number of days
	According to Gregorian Calendar	According to Indian Calendar		
1	2	3	4	5
Republic Day	January 26, 1988	Magha 6, 1909	Tuesday	1
Shiva Ratri	February 16, 1988	Magha 27, 1909	Tuesday	1
Holi	March 4 and 5, 1988	Phalguna 14 and 15, 1909	Friday and Saturday	2
Ram Naumi	March 26, 1988	Chaitra 6, 1910	Saturday	1
Mahavir Jayanti	March 30, 1988	Chaitra 10, 1910	Wednesday	1
Budha Purnima	May 1, 1988	Vaishakha 11, 1910	Sunday	1
*Id-ul-Fitr	May 18, 1988	Vaishakha 28, 1910	Wednesday	1
Civil Court's Vacations	June 1 to 30, 1988	Jaistha 11 to Asadha 9, 1910	Wednesday to Thursday	30
*Id-uz-Zuha	July 25, 1988	Sravana 3, 1910	Monday	1
Independence Day	August 15, 1988	Sravana 24, 1910	Monday	1
*Moharram	August 24, 1988	Bhadra 2, 1910	Wednesday	1
Raksha Bandhan	August 27, 1988	Bhadra 5, 1910	Saturday	1
Janamasthami	September 3, 1988	Bhadra 12, 1910	Saturday	1
Birth Day of Mahatma Gandhi	October 2, 1988	Asvina 10, 1910	Sunday	1
Dashehra	October 19 and 20, 1988	Asvina 27 and 28, 1910	Wednesday and Thursday	2
*Bara Wafat	October 24, 1988	Kartika 2, 1910	Monday	1
Deepawali	November 9 to 11, 1988	Kartika 18 to 20, 1910	Wednesday to Friday	3
Kartika Purnima and Birth day of Guru Nanak	November 23, 1988	Agrahayan 9, 1910	Wednesday	1
Winter holidays	December 25 to 31, 1988	Pausa 4 to 10, 1910	Sunday to Saturday	7

Notes.—(1) *The dates can be refixed according to the local visibility of the moon.
(2) Second Saturday of each month will be a holiday.
(3) The District Judge shall declare the local holidays in consultation with the District Magistrate.
(4) Friday April 1, 1988 will be a restricted holiday for Christians only on account of Good Friday.
(5) Friday May 13, 1988 will be a restricted holiday for Muslims only on account of Last 'Friday of Ramzan'.
(6) For the Civil Courts in Dehra Dun, Almora, Tehri, Pauri, Chamoli, Pithoragarh, Uttar Kashi and Naini Tal (except the Courts of Munsif at Kashipur and Additional Munsif, Nainital at Haldwani), one months vacation from January 1 to 30, 1983 (both days inclusive) will be substituted in place of the vacation mentioned in the calendar.
(7) There is a separate list of holidays for the High Court.

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[58] **English translation of Kshetriya Vikas Vibhag, Noti. No. 3298/54—1 CAD—9(93)-84, dated November 25, 1987, published in the U.P. Gazette, Part 1 ka, dated 19th March, 1988, pp. 832-834**

In exercise of the powers under Section 53 of the **Uttar Pradesh Area Development Act, 1976** (U. P. Act No. 51 of 1976), the Governor is pleased to make the following rules with a view to amending the Uttar Pradesh Area Development (Regulation of Water Supply) (Osrabandi) Rules, 1976.

1. **Short title and commencement** —(1) These rules may be called the **Uttar Pradesh Area Development (Regulation of Water Supply) (Osrabandi) (Second Amendment) Rules, 1987.**

(2) They shall come into force with effect from the date of their publication in the Gazette.

2. **Substitution of Rule 3.**—In the Uttar Pradesh Area Development (Regulation of Water Supply) (Osrabandi) Rules, 1979 (hereinafter referred to as the said rules) for Rule 3 the following rule shall be *substituted*:

"*3. Distribution of Water to the landholders in an outlet command.*— (1) Landholders in an outlet command may, within the assistance and approval of the Chak Samiti concerned, prepare a scheme of distribution of Water from an outlet or private Water course in an outlet Command and carry on operation of Osrabandi accordingly:

Provided that at least 25 per cent of landholders in that outlet command give their consent in writing to the scheme of distribution so prepared. An application in its behalf may be made to the Deputy Revenue Officer in A.D.(O) Form I for Osrabandi in the outlet command.

(2) Where an application made under sub-rule (1), is accepted by the Deputy Revenue Officer concerned or where it is considered expedient, in public interest, so to do, he may on behalf of the Project Administrator, order for preliminary enquiry to be made in connection with Osrabandi proceedings under Rule 4 and order that a fee of Rs. 40 per outlet shall in either case be recovered from the beneficiaries concerned in proportion to the area of their land likely to be benefited by the Osrabandi. Out of the Rs. 40.00 of Osrabandi fees, Rs. 25.00 will cover the cost of incidental work such as tracing Shajras etc. and Rs. 15.00 for departmental over-heads".

3. **Substitution of Rule 14.**—For the existing Rule 14 of the said rules the following rule shall be *substituted*:

"*14. Infringement of Osrabandi.*—(1) In case of infringement of violation of a scheme of Osrabandi sanctioned under sub-rule (2) of Rule 10, the Project Administrator or the Joint Administrator or any officer of the project Authority Authorised by it, by general or special order in that behalf may either before or after institution of the proceedings, compound such infringement or violation on such terms, including payment of composition fee as he may think fit.

(2) For the purposes of this rule the Executive Engineer/Sub-Divisional Officer/Deputy Revenue Officer cum-Canal Magistrate Class II Judicial) of the Irrigation Department in whose jurisdiction the infringement or violation has taken place will be deemed to be an ex-officio officer of the project and he shall be competent under this rule to take action suo moto and/or on receipt of a complaint."

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4. **Substitution of A D.(O) Form 1.**—In the said rule for the existing A.D.(O) Form—1, the following form shall be *substituted*—

"A.D.(O) FORM I

[Rule 3(1)]

The Deputy Revenue Officer,

.....

....

We the undersigned land-holders of the command of outlet no..... ... ..request you to kindly sanction Osrabandi of command of this outlet of .....By/Dy./Mr.

We hereby undertake to be bear proportionately the Osrabandi fee such Osrabandi which may be recovered from us proportionately as arrear of land revenue, in case of default of payment thereof.

2. Necessary particulars and the reason for Osrabandi are given below :

Name and parentage	Address	Signature	
Name of the Land-holder with parentage and address	No. of fields with area	Reasons for Osrabandi	Signature
1	2	3	4
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8."			

[59] **English translation of Rajaswa Anubhag-1, Noti. No. 268/I—6(5)-1977-Revenue-I, dated February 5, 1988, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 5th February, 1988, p. 2**

In exercise of the powers under Section 3 of the **Uttar Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 1972** (U. P. Act No. XXII of 1972) read with Section 21 of the Uttar Pradesh General Clauses Act, 1904 (U. P. Act No. 1 of 1904) and in partial modification of Government Notification No. 268/Revenue-1/1-6(5)-77, dated January 24, 1978 as amended from time to time and in supersession of Government Notification No. 268/1—6(5)-1977-Revenue-1, dated July 1, 1986, the Governor is pleased to appoint, with effect from the date of taking over charge, Shri Daya Shankar Srivastava, Deputy Collector to be Prescribed Authority for the purposes of the said Act No. XXII of 1972, who shall exercise the powers conferred and perform the duties imposed on the Prescribed Authority by or under the said Act No. XXII of 1972 in respect

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of all the public premises under the control of Rajya Sampatti Vibhag situate in Lucknow and Naini Tal district.

[60] **English translation of Shiksha Anubhag-10, Noti. No. 3316/XV-X—87-8(6)-87, dated November 4, 1987, published in the U.P. Gazette, Extra., Part-4, Section (ka), dated 4th November, 1987, p. 2**

In exercise of the powers under sub-section (1-A) of Section 50 of the **Uttar Pradesh State Universities Act, 1973** (President's Act No. 10 of 1973) as re-enacted and amended by the Uttar Pradesh Universities (Re-enactment and Amendment) Act, 1974 (U. P. Act No. 29 of 1974) read with Section 21 of the Uttar Pradesh General Clauses Act, 1904 (U. P. Act No. 1 of 1904), the Governor is pleased to make the following Statutes with a view to amending the Gorakhpur University First Statutes, 1977.

1. Short title and commencement.—(1) These Statutes may be called the **Gorakhpur University (Twenty-third Amendment) First Statutes, 1987.**

(2) They shall come into force from the date of their publication in the Gazette.

2. Amendment of Statute 2.12.—In Statute 2.12 of the Gorakhpur University First Statutes, 1977, for the words "a committee consisting of the Vice-Chancellor and two senior-most Deans of Faculties" the words "the Vice-Chancellor" shall be *substituted*.

[61] **English translation of Abkari Anubhag-2, Noti. No. 3231 E-2/XIII—340-87, dated October 29, 1987, published in the U.P. Gazette, Extra., Part-4, Section (ka), dated 29th October, 1987, p. 2**

In exercise of the powers under sub-section (2) of Section 10 of the **Uttar Pradesh Sheera Niyantran Adhiniyam, 1964** (U. P. Act No. XXIV of 1964), the Governor is pleased to make amendment, specified in the Schedule below, under sub-section (1) of the aforesaid section, in order to bring the prices of molasses in conformity with the prices fixed by the Government of India under the Molasses Control (Amendment) Order, 1987 and to provide that the prices prescribed in the Schedule, as amended, shall for the respective grades come into force with effect from November 1, 1987.

SCHEDULE

Grade	Percentage of Total Sugar contents of molasses (Expressed as reducing Sugar)	Maximum price per quintal of molasses including loading and shunting charges.
1	2	3
I	50 per cent and above	Rupees 12.00
II	44 per cent to 49.99 percent	Rupees 9.60 paise
III	40 percent to 43.99 per cent	Rupees 7.20 paise

Note.—For quality of molasses below Grade III, the price will be Rs. 7.20 for every 40 Kilograms reducing Sugar contents therein.

[62] **English translation of Shiksha Anubhag-10, Noti. No. 5005/XV-X—87-15(15)-86 T.C., dated September 28, 1987, published in the U.P. Gazette, Extra., dated 28th September, 1987, p. 2**

In exercise of the powers under sub-section (1-A) of Section 4 of the **Uttar Pradesh State Universities Act, 1973** (President's Act No. 10 of

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1973) as re-enacted and amended by the Uttar Pradesh Universities (Re-enactment and Amendment) Act, 1974 (U. P. Act No. 29 of 1974) (hereinafter referred to as the said Act), the Governor is pleased to appoint October 2, 1987, as the date from which a University to be known as Purvanchal University at Jaunpur shall be established for the concerned areas specified in the Schedule to the said Act.

2. In exercise of the powers under sub-section (6) of Section 4 of the said Act and all other powers enabling him in that behalf, the Governor is also pleased to direct that every student of any of the colleges situate in the areas falling under the jurisdiction of the said University who immediately before the establishment of the University, was studying for or was eligible to appear in an examination for, a degree of the University of Gorakhpur shall be permitted to complete his course for that degree, and necessary arrangements for the instructions and examination of such student shall be made by the University of Gorakhpur, which shall declare the result of such examination, and thereupon, the Purvanchal University shall be competent to confer its degree on the basis of such declaration.

[63] **English translation of Van Anubhag-2, Noti. No. 1504/XIV-2—259-76, dated April 22, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 22nd April, 1987, p. 2**

In exercise of the powers under sub-section (1) of Section 7 of the **Uttar Pradesh Tendu Patta (Vyapar Viniyaman) Adhiniyam, 1972** (U. P. Act No. 19 of 1972) the Governor, having regard to the factors mentioned in the said sub-section and also other factors and after consulting the Advisory Committee constituted, is pleased to fix for the year beginning on the first day of January, 1987 the price of tendu leaves at Rs. 80.00 (Rupees Eighty only) per standard bag in all the districts in which the said Adhiniyam has come into force.

[64] **English translation of Shram Anubhag-3, Noti. No. 3280/XXXVI-3-122 (SA)-86, dated August 10, 1987, published in the U.P. Gazette, Extra., Part 4, Section (kha), dated 10th August, 1987, p. 2**

In exercise of the powers under sub-section (3) of Section 8 of the **Uttar Pradesh Labour Welfare Fund Act, 1965** (U. P. Act No. XIV of 1965) the Governor is pleased to appoint the Additional Labour Commissioner (Welfare), Uttar Pradesh at the Head Quarters, Kanpur as ex-officio Additional Labour Welfare Commissioner, Uttar Pradesh for the purposes of the said Act.

[65] **English translation of Grahe (Police) Anubhag-9, Noti. No. U.O. 235/VIII-9—315-73, dated September 16, 1987, published in the U.P. Gazette, Extra., Part 4, Section (kha), dated 16th September, 1987, p. 2**

In exercise of the powers under sub-section (1) of Section 6 and sub-section (2) of Section 7 of the **Criminal Law Amendment Act, 1952** (Act No. XLVI of 1952) read with Section 21 of the General Clauses Act, 1897 (Act No. X of 1897) and in supersession of Government Notification No. 4051/VIII-9-315-73, dated September 16, 1983, the Governor is pleased to appoint with effect from the date of taking over charge, Sri I. J. Malhotra, Additional District and Sessions Judge, Dehra Dun, as ex-officio Special Judge for the area specified below to try the cases in regard to the offences specified in sub-section (1) of Section 6 of the aforesaid Act No. XLVI of 1952 arising in the said area, in which charge sheets may hereafter be submitted to his Court, by the Special Police Establishment of the Govern-

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ment of India and further to order that the cases in regard to such offences arising in the said area in which charge sheets have already been submitted before any Special Judge appointed under the aforesaid notification by the said Special Police Establishment and other Special Police Establishment cases arising in the said area which were pending before any such Special Judge, shall also be tried and disposed of by Sri I. J. Malhotra. His Court shall be designated as the Court of Special Judge, Anti-corruption, Uttar Pradesh (East) and his headquarters shall be at Dehra Dun.

Area of Jurisdiction of Special Judge Anti-corruption, Uttar Pradesh (East) with-Headquarters at Dehra Dun

The districts of—

1. Naini Tal, 2. Pithoragarh, 3. Almora, 4. Chamoli, 5. Garhwal, 6. Tehri-Garhwal 7. Uttar Kashi, 8. Dehradun, 9. Meerut, 10. Muzaffarnagar, 11. Bulandshahr, 12. Saharanpur, 13. Agra, 14. Ghaziabad, 15. Etah, 16. Aligarh, 17. Mainpuri and 18. Mathura.

[66] **English translation of Khadya tatha Rasad Anubhag-4, Noti. No. 2572/XXIX—Food-4, dated September 26, 1987, published in the U.P. Gazette, Extra., Part-4, Section (ka), dated 26th September, 1987, p. 2**

In exercise of the powers under Clause 24(1)(*b*) of the **Uttar Pradesh Rice and Paddy (Levy and Regulation of Trade) Order, 1985**, the Governor with the prior concurrence of the Central Government is pleased to reduce in public interest the rate of levy in Gorakhpur and Varanasi divisions and in the districts of Bahraich, Gonda, Pratapgarh, Faizabad, Sultanpur and Allahabad from sixty per cent to forty per cent during kharif marketing season 1987-88.

[67] **English translation of Shiksha Anubhag-10, Noti. No. 3758/XV-X-87—15(357)-85, dated December 8, 1987, published in the U.P. Gazette, Extra., Part 4, Section (ka), dated 8th December, 1987, p. 2**

In exercise of the powers under sub-section (1-A) of Section 50 of the **Uttar Pradesh State Universities Act, 1973** (President's Act No. 10 of 1973), as re-enacted and amended by the Uttar Pradesh Universities (Re-enactment and Amendment) Act, 1974 (U. P. Act No. 29 of 1974), read with Section 21 of the Uttar Pradesh General Clauses Act, 1904 (U. P. Act No. 1 of 1904), the Governor is pleased to make the following Statutes with a view to amending the Kumaun University First Statutes, 1977 :

1. Short title and commencement.—(1) These Statutes may be called the **Kumaun University (Nineteenth Amendment) First Statutes, 1987.**

(2) They shall be deemed to have come into force with effect from March 16, 1979.

2. Amendment of Statute 21.07.—For statute 21.07 of the Kumaun University First Statutes, 1977, the following Statute shall be *substituted*, namely :—

"21.07. For appointment of an employee in a college, through direct recruitment, the minimum age of the candidate shall be 18 years, and maximum age for the posts of a Routine Clerk or a post in equivalent scale of pay shall be 30 years, and for any other post, referred to in clauses (1) and (3) of Statute 21.03, it shall be 40 years. The maximum age shall be higher by five years in the case of a candidate belonging to a Scheduled Caste or a Scheduled Tribe :

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Provided that with the prior consent of the Director of Education, (Higher Education) the condition of maximum age limit of 30 or 40 years, as the case may be, referred to above, may be relaxed up to 5 years in special circumstances :

Provided further that the maximum age limit shall not apply to an employee referred to in the Statute 21.16 and proviso to Clause (1) of Statute 21.03 :

Provided also that for appointment to a vacancy reserved for ex-servicemen, the maximum age shall be higher by the period of service of the candidate in the Armed Forces plus three years."

[68] English translation of Nagar Vikas Anubhag-5, Noti. No. 974/XI-5—88-303 D.A.-83, dated February 18, 1988, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 18th February, 1988, p. 2

In exercise of the powers under sub-section (3) of Section 4 of the **Uttar Pradesh Special Area Development Authorities Act, 1986** (U. P. Act No. 9 of 1986), the Governor is pleased to constitute as under an authority to be called the Chitrakoot Special Area Development Authority, for the Chitrakoot Special Development Area declared under Government Notification No. 973/XI-5—88-303 D.A.-83, dated February 18, 1988.

Chitrakoot Special Area Development Authority

1—Commissioner, Jhansi Region, Jhansi	*Chairman*
2—Secretary to the State Government in the Department of Awas and Nagar Vikas.	*Ex-officio Member*
3—Principal Secretary to the State Government in the Department of Finance.	,,
4—Principal Secretary to the State Government in the Department of Tourism and Cultural Affairs.	,,
5—Secretary to the State Government in the Development of Forest and Environmental.	,,
6—Secretary to the State Government in the Development of Planning.	,,
7—Chief Town and Country Planner U. P.	,,
8—Chairman, U. P. Electricity Board.	,,
9—Chairman, U. P. Jal Nigam.	,,
10—District Magistrate, Banda.	,,
11—Managing Director, U. P. Mineral Development Corporation.	,,
12—Sri M. P. Singh, Retd. I.A.S.	,,
13—Sri Bhisam Dev Dube, Member, Parliament Banda.	,,
14—Sri Siroman Bhai, Member Legislative Assembly.	,,

[69] English translation of Khadya tatha Rasad Anubhag-4, Noti. No. 2629/XXIX-Food-4—5(34)-87, dated October 15, 1987, published in the U.P. Gazette, Extra., Part-4, Section (ka), dated 15th October, 1987, p. 2

In exercise of the powers under Section 3 of **Essential Commodities Act, 1955** (Act No. 10 of 1955) read with Government of India, Ministry of Agriculture (Department

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of Food) Order No. G.S.R.-800, dated June 9, 1978 and with the prior concurrence of the Central Government, the Governor is pleased to make the following order with a view to amending the Uttar Pradesh Foodgrains Dealers (Licensing and Restriction on Hoarding) Order, 1976:

1. **Short title, extent and commencement.**—(1) This order may be called the **Uttar Pradesh Foodgrains Dealers (Licensing and Restriction on Hoarding) (Ninth Amendment) Order, 1987.**

(2) It extends to the whole of Uttar Pradesh.

(3) It shall come into force at once.

2. **Amendment of Clause 2.**—(1) In sub-clause (*c*) of Clause 2 of the Uttar Pradesh Foodgrains Dealers (Licensing and Restriction on Hoarding) Order, 1976 in between the words "person" and "engaged" the following words in brackets shall be *inserted*:—

"(including a manufacturer)"

(2) After sub-clause (*p*) of Clause 2 the following sub-clause shall be *inserted*, namely:

"(*q*) 'Manufacturer' means a person carrying on the business of milling or processing of foodgrains or manufacturing any foodstuffs therefrom."

[70] **English translation of Nagar Vikas Anubhag-7, Noti. No. 2193 A/XI-NV-7-121K-78, dated September 11, 1987, published in the U.P. Gazette, Extra., Part 4, Section (kha), dated 12th September, 1987, pp. 3-4**

In exercise of the powers under sub-sections (1) and (2) of Section 3 of the **Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959** (U.P. Act No. II of 1959), read with Section 21 of Uttar Pradesh General Clauses Act, 1904 (U. P. Act No. 1 of 1904) the Governor, after consultation with the Nagar Mahapalika Meerut, is pleased to alter the limits of the city of Meerut notified in Notification No. 8746A/11-NV-7-121K-78, dated November 16, 1981 so as to include therein certain area with effect from the date of publication of this notification and to notify the revised limits of the City of Meerut as specified in the Schedule below:

SCHEDULE

Limits of City of Meerut

North: Starting from Meerut-Sardhana road crossing at 7 5 K.M. and then running towards north alongwith western limit of revenue village Nangla Tasi where it meets the limit of village Jatoli, and then proceeding along the western-northern limit of revenue village Jatoli and up to railway line and way including Dental and Jatoli and then proceeding along railway line towards north up to northern-western corner of khasra No. 1689 of revenue village Pabli khas and then proceeding along northern limit of the village towards east up to the Junction, where it meets at khasra No. 1 of village Muqurrabpur Palhera and then proceeding along the northern and eastern limit of revenue village Muqurrabpur Palhera upto khasra No. 967 near limit stone of village Roshanpur Dauli, and then proceeding along eastern limit of Roshanpur Daurli and northern limit of Safipur Pilana including revenue village Roshanpur Daurli and Muqurrab-

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pur Palhera in whole and revenue village Pablikhas in part, up to Cantonment Board limit near khasra No. 390 of village Sofipur-pilana, and then from the last indicated point proceeding along Cantonment limit and touching Cantonment limit piller Nos. 84 to 98 upto Cantonment limit piller No. 97 and touching Cantonment limit piller Nos. 1 to 33 and proceeding along Cantonment limit and including Kanker Khera area, revenue village Mustafabad. Bukharpura, Khurrampur *alias* Qasimpur in whole up to Cantonment limit piller No. 34 near Mehtab Cinema on Delhi-Massoori Road, and then proceeding along Cantonment limit up to Cantonment limit piller No. 47 at Bagum Bridge and then proceeding along Cantonment Board limit and including revenue village Nangla Battoo Yadgarpur in whole up to Cantonment limit piller No. 61 then proceeding along the northern limit of Town-Area Committee Kaseru Khera and revenue village Kaseru Buxer and including Town Area Kaseru Buxer and revenue village Kaseru Buxer and Town area Abdullapur in whole and then proceeding along the northern western limit of village Abdullapur and including revenue village Raisna in whole and proceeding along eastern of the village up to Cantonment limit piller No. 61.

East: Starting from Cantonment limit piller No. 61 and proceeding along ganda nala here it falls in Kali Nadi then proceeding along Kali Nadi and including revenue village Aurang-Shahpur Diggi in whole and revenue village Datwli-Gasoopur in part up to Kali Nadi brigde-crossing at 7.6 K.M. on Garh Mukteshwar, road, and then from bridge proceeding along Kali Nadi including revenue village Kammalpur in part and revenue village Sarai Qazipur and Ghosipur in whole and proceeding along limit of village Gosipur up to Meerut Hapur road-crossing at 8.2 K.M. and upto Khasra No. 292 of revenue village Zahid pur Budhera near limit stone.

South: Starting from the last indicated point at Khasra No. 292 of revenue village Budhera-Zahidpur at 8.2 K.M. on Meerut-Hapur road and proceeding along Northen-eastern and Southern limits of the village and including revenue village Budhera Zahidpur in whole up to southern corner of Khasra No. 145 near limit stone, and then from eastern-southern corner of Khasra No. 207 of village Fateh-Ulla-pur and proceeding along eastern-southern limit of the village and including Fateh-Ullapur and proceeding along eastern southern limit of the village and including Fateh-Ullapur in whole up to Khasra No. 110 near limit stone, which is situated near Khasra No. 228 of village Lisari, and then proceeding along eastern limit of village Lisari up to Khasra No. 371 near Hapur Railway-line and including revenue village Lisari and Noor Nagar in whole and proceeding along southern limit of village Lisari upto southern-western corner of Khasra No. 532 situated near limit stone, and then starting from the last indicated point and including revenue village Nangla Sherkhan, and Rithani in whole and proceeding along eastern limit of Nangla Sherkhan and Kanchanpur-Ghopla and including revenue village Kashi and Auchraunda in whole and proceeding along village limit and crossing Delhi Road 'Delhi-Massoori at 7.3* K.M. and including Auchraunda and Baral

* As per Hindi version it is 8.7.

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Pratapur in whole and then proceeding along southern-western limit of village Baral Partapur upto Khasra No. 331 of village Dungrawli and khasra No. 1 and 2 of Baral Partapur situated near limit stone.

West: Starting from the last indicated point Khasra No. 331 of village Dungrawli situated near limit stone and including revenue village Dungrawli, Kunda, Sundra *alias* Pooth, Mohekampur, Hafizabad Mewla and Maliana in whole and then proceeding along western limit of revenue village Dungrawli upto Meerut-Massoori by pass and then proceeding along by-pass and including revenue village Ghat in part up to Meerut Bagpat road-crossing at 8.5 K.M. and then including revenue village Rampur Pawti Kharauli Aurang Shahpur, Golabar, Sundra Alias Pooth and Lakhewaya Rasoolpur in whole up to Meerut-Baraut road at 9.1 K.M. and then starting from the last indicated point and including revenue village Murlipur Gulab, Ikhlas Nagar Dabka and then proceeding along the limit of Nangla Tasi Qasimpur and including village Murlipur Gulab, Sobhapur, Anoop Nagar-Fazalpur, Mohammedpur lala, Khurrampur, Nangla Tasi-Qasimpur and Ikhlas Nagar Dabka in whole and the whole area of old and dissolved Kankerkhera Town Area in whole up to Delhi-Massoori proposed by pass road-crossing at 7.5 K.M. on Meerut Sardhana road.

[71] **English translation of Avas Anubhag-3, Noti. No. 1395(3)/XXXVII-3—84-123-NKV-78, dated August 10, 1987, published in the U.P. Gazette, Extra., Part 4, Section (kha), dated 10 August, 1987, pp. 1-2**

In exercise of the powers under Section 4 of the **Uttar Pradesh (Regulation of Building Operations) Act, 1958** (U. P. Act No. XXXIV of 1958), the Governor is pleased to constitute as under the Controlling Authority for the regulated area New Tehri Nagar declared as such under Government Notification No. 1395/XXXVII-3—84-123-NKV-78, dated May 26, 1984, with effect from the date of publication of this notification in the Gazette for the discharge of functions assigned to it under the said Act:

CONTROLLING AUTHORITY

(*a*) Commissioner, Garhwal Division	*Chairman*
(*b*) Nominees of the State Government:	
1. Chief Engineer, Tehri Dam Project (Irrigation Department) Yamuna Colony, Dehra Dun.	*Member.*
2. Director, Rehabilitation, Tehri Dam Project, Tehri.	—do—
3. District Magistrate, Tehri-Garhwal, Narendra Nagar.	*Member*
4. Superintending Engineer, Public Works Department, Tehri.	—do—
5. Superintending Engineer, Jal Nigam, Dehra Dun.	—do—
6. Senior Planner, Nagar Evam Gram Niyojan Vibhag, Uttar Pradesh, Lucknow.	—do—
7. Adhyaksh, Nagar Palika, Tehri.	—do—
8. Adhyaksh, Zila Parishad, Tehri.	—do—

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[72] **English translation of Shram Anubhag-7, Noti. No. 4037/XXXVI-7—4(97)-85, dated November 28, 1987, published in the U.P. Gazette, Part 1, dated 12th March, 1988, p. 462**

In exercise of the powers under sub-section (1) of Section 13 of the **Employees' Provident Fund and Miscellaneous Provisions Act, 1952** (Act No. 19 of 1952) and in continuation of Government Notification No. 505/36-7—138(F)-78, dated October 31, 1985, the Governor is pleased to appoint the officers specified in Column 1 of the table given below to be Inspectors for the areas specified in the corresponding entry in Column 2, thereof, for the purpose of the said Act, the Scheme, the Family Pension Scheme or the Insurance Scheme framed thereunder in relation to any establishment in the sphere of the State other than those falling under the sphere of the Central Government :

TABLE

Officers	Area
1	2
1. All the Provident Fund Officers and Enforcement Officers of the office of Regional Provident Fund Commissioner	Whole of the State of Uttar Pradesh

[73] **English translation of Shram Anubhag-7, Noti. No. 1 G.I./XXXVI-7—1(I)-74, dated November 30, 1987 published in the U.P. Gazette, Part 1, dated 12th March, 1988, p. 462**

In continuation of Government Notification No. 14 G.I./36-7—1(I)-74, dated November 12, 1987, and in exercise of the powers under Section 87 read with Section 91-A of the **Employees' State Insurance Act, 1948** (Act No. XXXIV of 1948), the Governor is pleased to exempt all such factories in Uttar Pradesh in which the following manufacturing processes are carried out, from the operation of all the provisions of the said Act, for the period from July 1, 1985 to June 30, 1986 :

(1) Redrying unmanufactured leaf tobacco.

(2) Rice milling.

(3) Salt manufacture.

(4) Wool pressing either with or without cotton pressing and ginning.

(5) Oil mills (provided that the process of oil milling is subsidiary to any other manufacturing process which is seasonal and so long as the number of employees engaged in oil milling is less than fifty).

(6) Ice manufacture.

[74] **English translation of Nyaya Vibhag (Adhinastha Nyayalaya), Noti. No. 5692/VII-A.N.—202(29)-76, dated December 10, 1987, published in the U.P. Gazette, Part 1, dated 26th March, 1988, p. 552**

In exercise of the powers under Sections 4, 13 and 14 of the **Bengal, Agra and Assam Civil Courts Act, 1887** (Act No. XII of 1887), and Section 5 of the Provincial Small Cause Courts Act, 1887 (Act No. IX of 1887), read with Section 21 of the General Clauses Act, 1897 (Act No. X of 1897), and on the recommendation of the High Court of Judicature at

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Allahabad, the Governor is pleased to create two separate Courts of Munsif at tehsil headquarter Mauranipur and Garautha in the district of Jhansi with effect from the date of taking over charge by the Presiding Officers of these Courts and in order to fix the local limits of jurisdiction and place of sitting of these Courts makes the following amendment with effect from the said date, in Schedule appended to Government Notification No. A-1104/VII—710-53, dated April 12, 1956 as amended from time to time :

Amendment

In the Schedule to the aforesaid notification for the existing entry at Serial Number 191, the following entries columnwise shall be *substituted*, namely :

1	2	3	4	5	6
191	Munsif	Tahsils Jhansi and Moth in the district of Jhansi.	Jhansi	..	Munsif at Jhansi.
191-A	Do.	Tahsil Mauranipur in the district of Jhansi.	Mauranipur	..	Munsif at Maurani-pur.
191-B	Do.	Tahsil Garautha in the district of Jhansi.	Garautha	..	Munsif at Garautha.

[75] **Karyalaya Abkari Ayukta, U.P. Allahabad, Noti. No. 972/Up.A.—Licence-88-89, dated March 18, 1988, published in the U.P. Gazette, Part 1-ka, dated 26th March, 1988, p. 962**

In exercise of the powers under Section 31, read with Section 41(*c*) of the **U. P. Excise Act, 1910** (U. P. Act No. IV of 1910), the Excise Commissioner, Uttar Pradesh hereby prescribes a fixed fee of rupees ten thousand per annum or part thereof, if any, to be realized from the wholesale supplier of country spirit holding C.L. 1 Licence in respect of each of the district of the State.

[76] **Karyalaya Abkari Ayukta, U.P. Allahabad, Noti. No. 973/Up.A.—Licence-3-Licensing Policy-88-89, dated March 18, 1988, published in the U.P. Gazette, Part 1-ka, dated 26th March, 1988, p. 962**

In exercise of the powers under Section 30 of the **U.P. Excise Act, 1910** (U. P. Act No. IV of 1910) and in accordance with Rule 2(*g*) of the U. P. Settlement of Country Liquor Licence (Tender-cum-Auction) Rules, 1985, the Excise Commissioner, Uttar Pradesh fixes the following rates, at which price of country liquor payable by the licensee of Country liquor shop or group of shops, as part of sum under Section 30 read with Section 24 of the Act shall be calculated for the entire minimum guaranteed quantity for the year 1988-89. It shall come into force with effect from April 1, 1988 :

A—In areas specified in Schedule Two—Plain Country spirit 28% v/v strength.	Rs. 10.00 per bulk litre.
B—In areas specified in Schedule One—Plain Country Spirit 25% v/v strength.	Rs. 7.00 per bulk litre.
C—Spiced Country spirit in whole of State (Except prohibition districts) 36% v/v strength.	Rs. 13.00 per bulk litre.

Note.—For the purposes calculation of price of country liquor, the quantity of spiced country liquor shall be 20 per cent in the total minimum guaranteed quantity. Issues of plain or spiced spirit at the rates specified above may be taken up to the limit of aforesaid issue price.

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[77] **English translation of Vitta (Bikri-kar) Anubhag-2, Noti. No. S.T.-2-7130/X-11(11) 75—U.P. Act XV/48-Order-87, dated December, 1987, published in the U.P. Gazette, Extra., Part 4, Section (kha), dated 1st December, 1987, p. 2** [P]

In exercise of the powers under Section 4 read with Section 25 of the **Uttar Pradesh Sales Tax Act, 1948** (U.P. Act No. XV of 1948), the Governor is pleased to exempt, with effect from June 1, 1987 till March 31, 1990, the sale of any goods by the Tibetan Womens' Centre, Dehra Dun and the Handicraft Centre established by the Tibetan Welfare Office, Rajpur Road, Dehra Dun, from payment of tax under the said Act.

[78] **English translation of Vitta (Bikri-kar) Anubhag-2, Noti. No. S.T.-2-6478/X—7(32)-87—U.P. Act XV-48—Order-87, dated December 1, 1987, published in the U. P. Gazette, Extra., Part-4, Section (kha), dated 1st December, 1987, p. 2** [P]

In exercise of the powers under clause (*a*) of Section 4 of the **Uttar Pradesh Sales Tax Act, 1948** (U.P. Act No. XV of 1948), the Governor is pleased to exempt, with effect from December 1, 1987, the sale of the cassette named "Azadi Ki Kahani (Story of Freedom)" manufactured by Gramophone Company of India.

[79] **English translation of Vitta (Bikri-kar) Anubhag-2, Noti. No. ST-2-1594/X—9(14)-84-U.P. Act-XV-48-Order-88, dated March 17, 1988, published in the U. P. Gazette, Extra., Part-4, Section (kha), dated 17th March, 1988, p. 2** [P]

Whereas the State Government is satisfied that M/s Vam Organic Chemicals Ltd., Gajraula, District Moradabad had obtained power connection and had, after the date of starting production but before January 29, 1985, consumed at least twenty-five per cent of the total sanctioned electricity load in the manufacture of goods, as distinct from the consumption in connection with the establishment of the factory or workshop.

Now, therefore, in exercise of the powers under sub-sections (1) and (2-A) of Section 4-A of the **Uttar Pradesh Sales Tax Act, 1948** (U.P. Act No. XV of 1948), the Governor is pleased to direct that no tax under the aforesaid Act shall be payable by the aforesaid industrial unit on the turnover in respect of the sale of the goods manufactured by it for a period of six years from the second day of December, 1982, subject to the following conditions—

(1) that during the period prior to January 29, 1985, the said industrial unit has not availed of the exemption under Section 4-B of the aforesaid Act on the purchase of raw materials required for the manufacture of the said goods ;

(2) that the said unit has not discontinued production of such goods, for a period exceeding six months at a stretch ;

(3) that the exemption shall not be available in respect of the turnover relating to such sales on which the unit has realised or realises sales tax from the purchasers.

[80] **English translation of Vitta (Bikri-kar) Anubhag-2, Noti. No. S.T.-2—5181/X-9(14)-84—U.P. Act-XV-48-Order-87, dated August 21, 1987, published in the U. P. Gazette, Extra., Part 4, Section (kha), dated 21st August, 1987, pp. 4-5** [P]

Whereas the State Government is satisfied that the industrial units mentioned in Column 2 of the Schedule below had obtained power connection and had, after the date of starting production but before January 29, 1985, consumed at least twenty-five per cent of the total sanctioned electricity

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load in the manufacture of goods, as distinct from the consumption in connection with the establishment of the factory or workshop;

Now, therefore, in exercise of the powers under sub-sections (1) and (2-A) of Section 4-A of the **Uttar Pradesh Sales Tax Act, 1948** (U.P. Act No. XV of 1948), the Governor is pleased to direct that no tax under the aforesaid Act shall be payable by the aforesaid industrial units on the turnover in respect of the sale of the goods manufactured by them, as specified against each in Column 3, for the period specified in Column 4, as reckoned from the date specified in Column 5, of the aforesaid Schedule, subject to the following conditions :—

(1) that during the period prior to January 29, 1985, the said industrial unit has not availed of the exemption under Section 4-B of the aforesaid Act on the purchase of raw materials required for the manufacture of the said goods;

(2) that the said unit has not discontinued production of such goods, for a period exceeding six months at a stretch;

(3) that the exemption shall not be available in respect of the turnover relating to such sales on which the unit has realised or realises sales tax from the purchasers.

SCHEDULE

Sl. No.	Name of Industrial Unit	Name of goods	Period of exemption	Date from which exemption will be available
1	2	3	4	5
1	M/s Haryana Packaids Pvt. Ltd., NOIDA, district Ghaziabad.	Corrugated Paper Board	Five years	December 6, 1982
2	M/s United (India) Metal Forgings Pvt. Ltd., NOIDA, district Ghaziabad.	Pressure Cookers and Parts thereof	Five years	April 21, 1983
3	M/s Stitchwell Qualitex NOIDA, district Ghaziabad.	Light Engineering goods and Agricultural implements.	Five years	October 22, 1982
4	M/s Modern Plastic India, NOIDA, district Ghaziabad.	KM/RDHI films and bags.	Five years	October 5, 1982
5	M/s S.K. Tiles (Pvt.) Ltd., NOIDA, district Ghaziabad.	Marble tiles	Five years	October 11, 1982
6	M/s Clifton Metal Closers, NOIDA, district Ghaziabad.	Crown Corks	Five years	November 25, 1982

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1	2	3	4	5
7	M/s Jyoti Rubber and Plastic Industries (Pvt.) Ltd., NOIDA, district Ghaziabad.	Paper, corrugated sheets and poly-propylene films and bags.	Five years	February 20, 1983
8	M/s Sumitra Jute Bags Co., NOIDA, district, Ghaziabad.	Jute Bags	Five years	November 6, 1982
9	M/s Banwari Lal Prahlad Rai, NOIDA, district Ghaziabad.	Latex rubber foam tresses and Pillows	Five years	October 11, 1982
10	M/s Bhandari Manufacturing Works, NOIDA, district Ghaziabad.	Cream Separator	Five years	October 29, 1982
11	M/s S.R. Engineering Co., NOIDA, district Ghaziabad.	CRC/PCRC Printed Sheets.	Five years	October 1, 1982
12	M/s Uniplas India Pvt., Ltd., NOIDA, district Ghaziabad.	PVC pipes and fittings.	Five years	December 25, 1982
13	M/s Priya Electricals, NOIDA, district Ghaziabad.	Metal & Switches (up to 200 amperes)	Five years	November 2, 1982
14	M/s Jyoti Metal Industries, NOIDA, district Ghaziabad.	Stainless Steel utensils	Five years	November 15, 1982
15	M/s Bansal Udyog, NOIDA, district Ghaziabad.	Washing Soap	Five years	February 14, 1983
16	M/s Vijay Biscuit Products Ltd., Meerut.	Bakery products	Five years	October 4, 1982
17	M/s Shiva Ice Factory, Bulandshahr.	Ice	Six years	October 20, 1982
18	M/s Jhunjhunwala Organic Chemicals Pvt. Ltd., Bara Banki.	Chemicals	Six years	December 24, 1982
19	M/s Hindustan Reprographics Ltd., Siddhartha, Dehra Dun	Photocopying Machine	Five years	January 14, 1983
20	M/s Jai Cylinders Pvt. Ltd., Sikandarabad, Bulandshahr.	Gas Cylinders	Six years	October 5, 1982

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[81] **English translation of Vitta (Bikri-kar) Anubhag-2, Noti. No. S.T. 2—5182/X-9(14)-84—Act-74-56-Order-87, dated August 21, 1987, published in the U.P. Gazette, Extra., Part 4, Section (kha), dated 21st August, 1987, pp. 6-7**

In exercise of the powers under sub-section (5) of Section 8 of the **Central Sales Tax Act, 1956** (Act No. 74 of 1956), the Governor is pleased to direct that no tax under the aforesaid Act, shall be payable by the industrial units mentioned in Column 2 of the Schedule below which had obtained power connection and had, after the date of starting production as defined in the Explanation to Section 4-A of the Uttar Pradesh Sales Tax Act, 1948 but before the twenty-ninth day of January 1985 consumed at least twenty-five per cent of the total sanctioned electricity load in the manufacture of goods as distinct from the consumption in connection with the establishment of the factory or workshop, on their sales in the course of inter-State trade or commerce of the goods manufactured by such unit, as specified against each in Column 3 of the said Schedule, during the period commencing on and from the date of this notification and ending on the date specified against each in Column 4 of the said Schedule, subject to the following conditions :—

(1) that the concerned unit has not, since the date of starting production as aforesaid discontinued production for a period exceeding six months at a stretch ;

(2) that the exemption shall not be available in respect of the turnover relating to such sales on which the unit has realised or realises sales tax from the purchasers.

SCHEDULE

Sl. No.	Name of industrial unit	Name of goods	Date up to which exemption will be available
1	2	3	4
1	M/s Haryana Packaids Pvt. Ltd., NOIDA, district Ghaziabad.	Corrugated paper board	December 5, 1987
2	M/s United (India) Metal Forgings Pvt. Ltd., NOIDA, district Ghaziabad.	Pressure cookers and parts thereof	April 20, 1988
3	M/s Stitchwell Qualitex, NOIDA, district Ghaziabad.	Light Engineering Goods and Agricultural implements.	Octeber 21, 1987
4	M/s Modern Plastic India, NOIDA, district Ghaziabad.	KM/RDHI films and bags	October 4, 1987
5	M/s S.K. Tiles (Pvt.) Ltd., NOIDA, district Ghaziabad.	Marble Tiles	October 10, 1987
6	M/s Clifton Metal Closers, NOIDA, district Ghaziabad.	Crown Corks	November 24, 1987

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1	2	3	4
7	M/s Jyoti Rubber and Plastic Industries (Pvt.) Ltd., NOIDA, district Ghaziabad.	Paper Corrugated sheets and polypropyllin films and bags	February 19, 1988
8	M/s Sumitra Jute Bags Co., NOIDA, district Ghaziabad.	Jute bags	November 5, 1987
9	M/s Banwari Lal Prahlad Rai, NOIDA, district Ghaziabad.	Latex Rubber foam tresses and pillows	October 10, 1987
10	M/s Bhandari Manufacturing Works NOIDA, district Ghaziabad.	Cream Separator	October 28, 1987
11	M/s S.R. Engineering Co., NOIDA, district Ghaziabad.	CRC/PCRC printed sheets	September 30, 1987
12	M/s Uniplas India Pvt. Ltd., NOIDA, district Ghaziabad.	P.V.C. Pipes and fittings	December 24, 1987
13	M/s Priya Electricals, NOIDA, district Ghaziabad.	Metal End Switches (up to 200 amperes)	November 1, 1987
14	M/s Jyoti Metal Industries, NOIDA, district Ghaziabad.	Stainless steel utensils	November 14, 1987
15	M/s Bansals Udyog, NOIDA, district Ghaziabad.	Washing Soap	February 13, 1988
16	M/s Vijai Biscuit Products Ltd., Meerut.	Bakery Products	October 3, 1987
17	M/s Shiva Ice Factory, Bulandshahr	Ice	October 19, 1988
18	M/s Jhunjhunwala Organic Chemicals Pvt. Ltd., Barabanki.	Chemicals	December 23, 1988
19	M/s Hindustan Reprographics Siddharth, Dehradun.	Photo-Copying Machine	January 13, 1988
20	M/s Jai Cylinders Pvt. Ltd., Sikandrabad, Bulandshahr.	Gas Cylinders	October 4, 1988

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[82] English translation of Vitta Vibhag (Stamp and Registration), Noti. No. S.R.(IF) 2790/X—87/46(9)RD/86-87, dated August 21, 1987, published in the U.P. Gazette, Part I, dated 13th February, 1988, pp. 260-261

In exercise of the powers under clause (*g*) of Section 2 of the **Uttar Pradesh Public Moneys (Recovery of Dues) Act, 1972** (U.P. Act 23 of 1972) as amended by the Uttar Pradesh Public Moneys (Recovery of Dues) (Amendment) Act, 1975 (U.P. Act 17 of 1975), the Governor is pleased to declare that the following scheme mentioned in the Schedule annexed to this notification shall be a State Sponsored Scheme within the meaning of the said clause :

SCHEDULE

Scheme for financing for purchase of horse cart tonga/ekka/kharkhara in the districts of Uttar Pradesh by Regional Rural Banks

Horse cart are a traditional mode of conveyance/transportation in the rural and semi-urban areas of the State. The objective of the Scheme is to provide financial assistance to the horse cart, Tonga/Ekka/Kharkhara drivers to enable them to have their own Horse Cart so that they are not required to pay any rent to others and may become the owners of horse cart themselves. Such facility will certainly improve their social and economic conditions and would save them from the clutches of money lenders.

This Scheme will remain in operation for a period of three years, i.e. up to March 31, 1990 as a State sponsored from the date of issue of this notification.

Area of operation :

This Scheme shall be implemented by all branches of Regional Rural Banks in Uttar Pradesh.

Eligibility :

Only following persons will be eligible for loan under the Scheme :

(*a*) Persons whose vocation is to ply horse cart, Tonga/Ekka/Kharkhara or persons intend to ply horse tanga etc.

(*b*) Who are not already financed by other Banks or financial institutions.

(*c*) Who can be identified as permanent resident of the area.

(*d*) Whose present/proposed activity is considered to be viable. Bank's decision in this regard will be final.

(*e*) Whose annual income in rural/semi-urban areas is Rs. 6,500 and in urban area is Rs. 7,200.

(*f*) Who are not covered under DRI, IRDP and Special Component Plan Scheme, etc.

Purpose of advance :

To purchase a new hourse cart/horse Buggi drawn by animals/horse (Tonga/Ekka/Kharkhara).

Quantum of advance :

The Bank Branch shall provide loan assistance to the extent of Rs 5,000 per borrower (Unit cost as presently approved by NABARD) in following

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manners :

	Unit size	*Loan assistance* Rs
(*a*) Horse/Pony	1	2,900
(*b*) Cart	1	1,900
(*c*) Reins	1	200
		5,000

Note.—The quantum of advance is subject to revision according to the unit cost approved by NABARD from time to time.

Margin :

Need not be insisted upon.

Rate of interest :

The rate of interest is as per Reserve Bank of India guidelines and subject to revision from time to time.

Monatorium period :

Monatorium period for three months may be debiting the concerned loan accord.

Mode of disbursement :

Direct to supplier(s) against stamped receipt.

Security :

Hypothecation of livestock and Cart. Group guarantee, wherever available will be obtained.

Repayment :

To be repaid in five years in monthly/quarterly/half-yearly instalments.

Credit gaurantee :

Advances under the Scheme to be covered under Credit Guarantee Scheme of D.I.C.G.C.

[83] **English translation of Vitta Vibhag (Stamp and Registration), Noti. No. SR (IF) 2791 (X-87/46(9) RD/86-87, dated August 21, 1987, published in the U.P. Gazette, Part I, dated 13th February, 1988, pp. 262-263**

In exercise of the powers under clause (*g*) of Section 2 of the **Uttar Pradesh Public Moneys (Recovery of Dues) Act, 1972** (U.P. Act 23 of 1972) as amended by the Uttar Pradesh Public Moneys (Recovery of Dues) (Amendment) Act, 1975 (U.P. Act 17 of 1975), the Governor is pleased to declare that the following scheme mentioned in the Schedule annexed to this notification shall be a State Sponsored Scheme within the meaning of the said clause :

SCHEDULE

Scheme for financing for purchase of rickshaw in the districts of Uttar Pradesh by Regional Rural Banks

Rickshaw plays an important role in solving the problems of conveyance also in rural and semi urban areas of the State. The rickshaw driving provides easy mode of conveyance on the one hand and remunerative employment to the weaker section of the society.

The objective of the scheme is to provide medium term loan facilities to the rickshaw pullers to enable them to have their own rickshaw so that they are not required to pay any rent to others and may become owners

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of rickshaws themselves. Such facility will certainly improve their social and economic conditions and would save them from the clutches of money lenders and affluent rickshaw owners.

This scheme shall remain in operation for a period of three years i e. up to March 31, 1990 as a State sponsored from the date of issue of this notification.

Area of operation :

This scheme shall be implemented by all branches of Regional Rural Banks operational in Uttar Pradesh.

Eligibility :

Only following persons will eligible for loan under the scheme :

(*a*) Persons whose vocation is to ply rickshaw or persons intend to ply cycle rickshaw.

(*b*) Who are not already financed by other banks or financial institutions.

(*c*) Who can be identified as permanent resident of the area.

(*d*) Whose present/proposed activity is considered to be viable. Bank's decision in this regard will be final.

(*e*) Whose annual income in rural/Semi Urban area is up to Rs. 6,500 and in Urban area is up to Rs. 7,200.

(*f*) Who has not been covered under DRI and IRDP and Special Component Plan Scheme.

Purpose of advance :

To purchase new cycle rickshaws.

Quantum of loan :

Hundred per cent of the value of rickshaw subject to a maximum of Rs. 2,000.

Margin :

Need not be insisted upon.

Rate of interest :

The rate of interest is as per Reserve Bank of India guidelines and subject to revision from time to time.

Mode of disbursement :

Direct to supplier(s) against stamped receipt.

Insurance :

Insurance fee of rickshaw will be paid by debiting the concerned loan account.

Monatorium period :

Monatorium period for three months may be given if required.

Security

Hypothecation of rickshaw. Group guarantee, wherever available will be obtained.

Repayment :

To be repaid in monthly instalment in three to five years.

Credit guarantee :

Advances under the scheme to be covered under Credit Gaurantee Scheme of DICGC.

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[84] **English translation of Vitta (Bikri-kar) Anubhag-2, Noti. No. S.T.-2-2893/X-9(116)-75-UP-Act-48—Order-86, dated April 1, 1986, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 1st April, 1986, p. 2**

In exercise of the powers under clause (*a*) of Section 4 of the **Uttar Pradesh Sales Tax Act, 1948** (U.P. Act No. 15 of 1948), read with Section 21 of the Uttar Pradesh General Clauses Act, 1904 (U.P. Act No. 1 of 1904), the Governor is pleased to make, with effect from April 1, 1986 the following amendment in Government notification No. S.T.-2-7038/X—7(23)-83-UP Act-XV—48-Order-85, dated January 31, 1985 :

Amendment

In the Schedule to the aforesaid notification, for the entries in Column 2 against Serial No. 25, the following shall be *substituted*, namely :—

"Flowers (excluding Mahua flower, Sunflower, and Safflower), Flower seeds, seedlings, plants and vegetable seeds."

[85] **English translation of Vitta (Bikri-kar) Anubhag-4, Noti. No. S.T.-4—203/X-184-86, dated March 7, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated March 17, 1987, p. 2** [P]

In pursuance of the provisions of sub-rule (1) of Rule 3 of the **Uttar Pradesh Sales Tax Rule, 1948**, the Governor was pleased to handover the entire jurisdiction of Assistant Commissioner (Judicial) Sale Tax, Jhansi to Assistant Commissioner (Judicial) Sale Tax-I, Kanpur *vide* notification No. S.T.-1-5288/X-184-86, dated October 17, 1986.

Now, it is hereby announced for general information that the Governor is pleased to cancel the above mentioned notification with immediate effect.

[86] **English translation of Krishi Vibhag-2, Noti. No. 79/XII-2-88-F.I-88, dated February 19, 1988, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 19th February, 1988, p. 2**

In exercise of the powers under the proviso to Clause 7 of the **Fertiliser Control Order, 1985**, the Governor is pleased to exempt from registration all persons selling Urea fertilisers in small packets of five kgs. and ten kgs. throughout the State, subject to the condition that the said packing carry the label, seal and insignia of the concerned manufacturer and company.

[87] **English translation of Udyog Anubhag-2, Noti. No. 4298/XVIII-2—22(22)-87, dated September 2, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 2nd September, 1987, p. 2**

In exercise of the powers under Section 4 of the **Land Acquisition Act, 1894** (Act No. 1 of 1894) read with Section 21 of the General Clauses Act, 1897 (Act No. 10 of 1897), the Governor is pleased to rescind the Government Notification No. 2293/XVIII-2-(22)-87, dated June 9, 1987 issued under sub-section (1) of Section 4 of the said Act regarding acquisition of land for the estabiishment of Mini Industrial Estate in district Almora.

[88] **English translation of Shram Anubhag-3, Noti. No. 3088/XXXVI-3-20(SA)-81, dated September 29, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 29th September, 1987, p. 2**

In exercise of the powers under Section 3 of the **Uttar Pradesh Industrial Disputes Act, 1947** (U.P. Act No. XXVIII of 1947) read with Section 21 of the Uttar Pradesh General Clauses Act, 1904 (U.P. Act No. 1 of 1904) the Governor is pleased to make the following amendment in Government notification No. 4668/XXXVI-3-20(SA)-81, dated

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September 27, 1986 published in Part IV(*b*) of the Legislative Supplement to Uttar Pradesh Gazette Extraordinary, dated September 27, 1986 also published in 1987-LLT-V-151 [79] :

Amendment

In the aforesaid notification, in sub-para 5 of Para 1, for the words "for a period of one year" the words "for a period of two years" shall be *substituted.*

2. The Governor is further pleased to order under Section 19 of the aforesaid Act that notice of this order shall be given by publication in the Gazette.

[89] **English translation of Shram Anubhag-3, Noti. No. 3792/XXXVI-3—180(Adhi.)-85, dated October 17, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 17th October, 1987, p. 2**

In exercise of the powers under sub-section (2-A) of Section 8 of the **Factories Act, 1948** (Act No. LXtII of 1948) the Governor is pleased to appoint Sri Arun Kumar Agarwal, Assistant Director of Factories who was given the additional charge of Deputy Director of Factories, Meerut Zone in addition to his duties from 25-8-1986 to 17-7-1987 as Deputy Chief Inspector of Factories Meerut Zone for the said period from 25-8-1986 to 17-7-1987 to assist the Chief Inspector and to exercise such of the powers of the Chief Inspector as are specified below under the said Act—

"To approve plans and accept certificates of stability of the factory buildings, to exempt the factories employing up to 50 workers from minimum heights, to grant and renew licences and to pass final orders on the inspection reports of the Additional Inspectors regarding the factories situated in NOIDA Complex, Ghaziabad, Bulandshahr, Meerut, Muzaffarnagar Saharanpur, and Dehra Dun regions".

[90] **English translation of Vitta (Bikri-kar) Anubhag-2, Noti. No. S.T.-II-492/X-7(32)-86-Act-74-56-Order-88, dated February 2, 1988, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 2nd February, 1988, pp. 2-3**

In exercise of the powers under clause (*b*) of sub-section (5) of Section 8 of the **Central Sales Tax Act, 1956** (Act No. 74 of 1956) read with Section 21 of the General Clauses Act, 1897 (Act No. X of 1897), and in supersession of Government notification No. S.T.-II-2246/X-7(32)/86-Act-74-56-Order-87, dated April 27, 1987, the Governor is pleased to direct that, with effect from February 2, 1988, the tax payable under the said Act by M/s Bharat Heavy Electricals Limited, in respect of the turnover of sales in the course of inter-State trade or commerce of goods mentioned in the Schedule hereunder to the Electircity Boards, the National Thermal Power Corporation and the National Hydel Power Corporation shall be calculated at the rate of four per cent, subject to the condition that the selling dealer furnishes to the assessing authority, along with the annual return of his turnover, the following certificate, duly filled in and signed by him, indicating month-wise particulars of sales of the aforesaid goods made to each of the aforesaid purchasers :

CERTIFICATE

Certified that goods covered by Orders and bills, as per particulars given below, valued at Rs. .....(Rupees.....were sold by us to.....
(in figures) (in words)

.....

(Name and address of the purchaser)

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during the month of.....19....., and that these goods are intended to be used by the purchaser in the generation or distribution of electrical energy.

Serial No.	No. and date of the order	Details of Bill		
		No.	Date	Amount
1	2	3	4	5

.....
.....

(Name and address of selling dealer) Signature.....

Date..... Status in relation to the dealer.....

SCHEDULE

Any goods to the sale of which sub-section (2-A) of Section 8 of the Central Sales Tax Act, 1956, does not apply and which are intended for use by such Board/Corporation in the generation or distribution of electrical energy.

[91] **English translation of Van Anubhag-2, Noti. No. 604/XIV-2—259-76, dated February 24, 1988, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 24th February, 1988, p. 2**

In exercise of the powers under sub-section (*i*) of Section 7 of the **Uttar Pradesh Tendu Patta (Vyapar Viniyaman) Adhiniyam, 1972** (U.P. Act No. 19 of 1972), the Governor, having regard to the factors mentioned in the said sub-section and also other factors and after consulting the Advisory Committee constituted, is pleased to fix for the year beginning on the first day of January, 1988 the price of tendu leave as Rs. 85.00 (Rupees Eighty Five only) per standard bag in all the districts in which the said Adhiniyam has come into force.

[92] **English translation of Abkari Anubhag-2, Noti. No. 653-E-2/XIII-503-83, dated February 25, 1988, published in the U.P. Gazette, Extra., Part-4, Section (ka), dated 25th February, 1988, pp. 2-4** [L]

In exercise of the powers under sub-section (1) and clause (*d*) of sub-section (2) of Section 40 of the **U.P. Excise Act, 1910** (U.P. Act No. IV of 1910), the Governor is pleased to make the following rules with a view to amending the rules relating to import, export, transport and possession of Denatured Spirit published with notification No. 129/XIII-204, dated March 13, 1931, as amended from time to time.

1. Short title and commencement.—(1) These rules may be called the **Uttar Pradesh Excise Import, Export, Transport and Possession of Denatured Spirit (Tenth Amendment) Rules, 1988.**

(2) They shall come into force at once.

2. Amendment of Rule 10.—In the rules relating to import, export, transport and possession of denatured spirit published with Notification No. 129/XIII-204, dated March 13, 1931, as amended from time to time, for sub-rule (1) of Rule 10 following sub-rule shall be *substituted*:

"*10.* (1) *Application for Pass.*—Such person who has obtained permit under Rule 9 shall then in case of export from wholesale shop, present an application in duplicate to the Excise Commissioner specifying:

(*a*) The name of consignee;

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(*b*) The quantity of denatured spirit, special denatured spirit, rectified spirit or absolute alcohol to be exported.

The application shall be accompanied by the permit obtained under Rule 9 and a receipt showing that the applicant has deposited into Government treasury situated in the district where the headquarters of the Excise Commissioner located, a pass fee calculated at the rate of Rs. 0.50 (Fifty paise) per bulk litre for the quantity of denatured spirit or special denatured spirit and a pass fee calculated at the rate of Rs. 5.00 (rupees five) per bulk litre for the quantity of rectified spirit or absolute alcohol for which export pass is required."

[93] **English translation of Shram Anubhag-1, Noti. No. 3899(ST)/XXXVI-I—170(ST)-71, dated July 1, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 1st July, 1987, p. 2**

In exercise of the powers under sub-section (7) of Section 7 of the **Payment of Gratuity Act, 1972** (Act No. 39 of 1972), and in supersession of Government Notification No. 6444(ST)/XXXVI-I—170(ST)-71, dated February 17, 1976, the Governor is pleased to specify the Additional Labour Commissioner appointed with the following designations, as the authority to whom an appeal may be preferred by any person aggrieved by an order under sub-section (4) of Section 7 of the said Act :—

Sl. No.	Name of the authority	Name of the Region for which appeals may be referred
1.	Addl. Labour Commissioner (Housing)	Kanpur Region.
2.	Addl. Labour Commissioner (Establishment)	Lucknow Region.
3.	Addl. Labour Commissioner (Industrial Relations)	Meerut, Ghaziabad, Dehra Dun, Haldwani (Kumaun Region) and Gorakhpur Region.
4.	Addl. Labour Commissioner (Enforcement)	Agra, Bareilly, Moradabad and Jhansi Region.
5.	Addl. Labour Commissioner (Standing Orders and Trade Unions)	Allahabad, Varanasi, Mirzapur and Faizabad Region.

[94] **English translation of Shram Anubhag-1, Noti. No. 4986(ST)/XXXVI-I—1398(ST)-86, dated August 11, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 11th August, 1987, pp. 3-5**

Whereas the State Government had *vide* its Notification No. 526/XXXVI-3—5-(MW)/1983, dated July 21, 1984, revised and fixed the minimum rates of wages for employees employed in the employment in any Tobacco (including Bidi making) Manufactory in Uttar Pradesh under the Minimum Wages Act, 1948 (Act No. 11 of 1948) which had earlier been revised *vide* Notification No. 1036/XXXVI-3—1023 (MW)-1979, dated May 16, 1981 ;

And whereas, the employees engaged in Bidi making industry had been demanding the revision of minimum wage ;

And whereas, the Uttar Pradesh Bidi Mazdoor Federation, which is a federation of unions of employees of Bidi industry, served a notice on the State Government indicating that if the minimum rates of wages of the employees of Bidi industry were not revised, they would arrange Statewise 'Dharna' and not allow making of Bidi and transportation of Bidi, Bidi tobacco and tendu leaves ;

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And whereas, considering the demand of employees of Bidi industry and in order to avoid disruption of industrial peace in the said industry a tripartite conference was convened on May 14, 1987 and June 22, 1987;

And whereas in the said conference of June 22, 1987 there was unanimity between employers and the representatives of the employees in respect of the minimum rates of wages for the employees engaged in the employment of Bidi making industry be revised with effect from May 14, 1987 at the rate of Rs. 11.50 per thousand Bidi;

And whereas, a consensus was also reached in the same conference for revising minimum rates of wages of other categories of employees on the same proportion in which Bidi rolling rates should be revised;

And whereas, in the opinion of the State Government it is necessary and expedient to enforce the aforesaid decisions of the Tripartite Conference with a view to securing public convenience and maintenance of public order and the maintaining employment;

Now, therefore, in exercise of the powers under clause (*b*) of Section 3 of the **U.P. Industrial Disputes Act, 1947** (U.P. Act No. XXVIII of 1947), the Governor is pleased to make the following order and under Section 19 of the said Act to direct that the notice of this order shall be given by publication in the Gazette.

ORDER

The various categories of employees employed in the Bidi making industry shall be paid minimum rates of wages as specified in Column 2 of the Schedule given below from May 14, 1987:

SCHEDULE

Class of employees	Revised rates of minimum wages
1	2
1. Bidi Rolling ..	Rs. 11.50 per thousand Bidis rolled provided that where the employee earns less than Rs. 69 per week at this rate, he shall be paid at least Rs. 56.00 per week subject to the conditions specified in the Annexure to this order.
2. Pasting of slips—	.. Rs. 1.20 per thousand
3. For wrapping, pasting of labels and making bundles of one lakh of Bidis—	
When one bundle contains 25 bidis	.. Rs. 27.31
When one bundle contains 24 bidis	.. Rs. 28.37
When one bundle contains 20 bidis	.. Rs. 29.71
When one bundle contains 12 bidis	.. Rs. 36.80
When one bundle contains 10 bidis	.. Rs. 41.21
When one bundle contains 8 bidis	.. Rs. 50.98
When one bundle contains 7 bidis	.. Rs. 53.48
4. For Sorters and examiners of bidis	.. Rs. 460.00 per month

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5.	For loading and Un-loading on/from trucks and packing bidis in sacks and for Chaukidars, sweepers and other unskilled employees	Rs. 382 06 per month
6.	Furnace man (baking of bidis)	Rs. 460.00 per month
7.	Mixing of tobacco	Rs. 408.90 per month
8.	Jal fillers	Rs. 408.90 per month
9.	Clerical—	
	(*a*) Head Munim, Head Clerk, Head Cashier, Head Store Keeper, Senior Clerk, Accountant, Stenographer ..	Rs. 626 12 per month
	(*b*) Clerk, Typist, Assistant Accountant, Junior Accountant, Cashier, Store keeper, Munim ..	Rs. 543.06 per month
10.	Drivers—	
	(*a*) Drivers of heavy vehicles ..	Rs. 522.00 per month
	(*b*) Drivers of light vehicles ..	Rs. 490.68 per month

2. The above rates of wages shall not, in any way, operate to the prejudice of any employee. If the rates prevailing before coming into force of these rates are higher, the same shall be continued to be paid and the employer shall not reduce them.

3. The daily rates of wages shall be equal to 1/26 of the monthly rates.

4. The wages per hour shall not be less than 1/6 of the daily wages concerned.

ANNEXURE

1. The employee shall be entitled to get at least Rs. 56.00 per week (hereinafter referred to as the guaranteed wages) only where the employer fails to supply sufficient quantity of good raw material (including tobacco leaves) to roll 5,600 bidis per week.

2. The guaranteed wage shall be inclusive of the wages for any day earned by the employee in respect of Bidi actually rolled by him with the quantity of raw material supplied to him by the employer.

3. The employee shall not be entitled to get guaranteed wages if he earns less than the amount of guaranteed wages on any day on account of his unwillingness to work for any reasons, whatsoever be.

4. The employee shall not be entitled to get the guaranteed wages if he fails to make full use of the raw material supplied to him even if the raw material so supplied is not sufficient for rolling 800 Bidis per day.

5. The employee who works for more than one employer shall not be entitled to get the guaranteed wages from any one of the employer.

6. The employee shall not be entitled to get the guaranteed wages if the failure of the employer to supply raw material is due to fire, catastrophe,

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epidemic, civil commotion or other similar causes which are beyond his control.

This order shall operate only for one year from the date of publication in the Gazette.

[95] **English translation of Karmik Vibhag (Anubhag-2), Noti. No. 18/2/81-Karmik-2, dated October 30, 1987, published in the U.P. Gazette, Part 1-ka, dated 5th March, 1988, pp. 642-643** [A]

In exercise of the powers under the proviso to Article 309 of the **Constitution**, the Governor is pleased to make the following rules to amend the Uttar Pradesh Recruitment to Services (Age limit) Rules, 1972 :

1. Short title and commencement —(1) These rules may be called the **Uttar Pradesh Recruitment to Services (Age-limit) (Seventh Amendment) Rules, 1987.**

(2) They shall be deemed to have come into force with effect from March 21, 1987.

2. Amendment of Rule 2.—In the Uttar Pradesh Recruitment to Services (Age-limit) Rules, 1972 for the existing Rule 2, the following rule shall be *substituted*

"*2. Maximum age-limit.*—The upper age-limit for recruitment to all such services and posts under the rule making power of the Governor, for which the upper age-limit is less than thirty years, shall be thirty years."

[96] **English translation of Shiksha Anubhag-10, Noti. No. 1126/XV-X-85-9(6)-80, dated March 28, 1985, published in the U P. Gazette, Extra., Part-4, Section (ka), dated 28th March, 1985, pp. 5-8**

In exercise of the powers under sub-section (1-A) of Section 50 of the **Uttar Pradesh State Universities Act, 1973** (President's Act No. 10 of 1973), as re-enacted and amended by the Uttar Pradesh Universities (Re-enactment and Amendment) Act, 1974 (U.P. Act No. 29 of 1974), read with Section 21 of the Uttar Pradesh General Clauses Act, 1904 (U.P. Act No. 1 of 1904), the Governor is pleased to make the following Statutes with a view to amending the Kumaun University First Statutes, 1977 :

1. Short title and commencement.—(1) These Statutes may be called the **Kumaun University (Fourteenth Amendment) First Statutes, 1985.**

(2) They shall come into force at once.

2. Insertion of Statute 11.12-B.—After Statute 11.12-A of the Kumaun University First Statutes, 1977, hereinafter referred to as the said Statute, the following Statute shall be *inserted*, namely :—

"11.12-B. (1) Notwithstanding anything to the contrary contained in Statute 11.02 or in any other Statute the following categories of teachers of the University shall be eligible for personal promotion to the post of Readers or Professors, as the case may be :

Readers Post :—

(*i*) Lecturers who are Ph. D. and have put in at least 13 years full-time continuous service, as such.

(*ii*) Lecturers, who are not Ph. D. but have put in at least 16 years full-time continuous service, as such.

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Professor's Post :—

Readers who have put in at least 10 years full-time continuous service as such.

Explanation.—Reader shall mean a teacher who has worked as Reader in a University.

(2) The service, referred to in clause (1), must have been rendered on an approved post—

(*i*) in permanent, temporary or *ad-hoc* capacity ;

(*ii*) in this University or in any other University, Post-Graduate or Under-Graduate college or Institute, so however that at least five years permanent service must have been rendered in this University after regular selection through the selection committee constituted under clause (*a*) of sub-section (4) of Section 31 of the Act.

(3) The teacher of the University who is eligible for personal promotion shall submit a Self-Assessment Report in the proforma given in Appendix E, containing information relating to his satisfactory work, to the Registrar.

Explanation.—Satisfactory work shall mean the work done with reference to the work expected from a teacher of the University under Univesity Regulations, Statutes or Ordinances.

(4) The Selection Committee, constituted under clause (*a*) of sub-section (4) of Section 31 of the Act, shall consider the Self-Assessment Report, Service Record (including Character Roll) and such other relevant records as may be placed before, or as considered necessary, by it. The meeting of the Selection Committee for considering cases of personal promotion shall be held at least once every year.

(5) The Selection Committee shall submit its recommendation to the Executive Council and the Executive Council shall, subject to the provisions of clause (6), grant personal promotion on the basis of such recommendation.

(6) The benefit of personal promotion shall be admissible to Lecturers for promotion to the post of Reader only and Reader so appointed by promotion shall not be entitled to personal promotion on the post of the Professor.

(7) Personal promotion on the post of Reader or Professor, as the case may be, shall take effect from the date of taking over charge of the said post.

(8) As a result of personal promotion, there shall be no reduction in the work load of the teacher of the University.

(9) In case a teacher of the University is not found suitable for personal promotion he may offer himself again for such promotion after two years and he shall be considered by the Selection Committee along with the teachers of the University who have since become eligible.

(10) In case the Selection Committee does not find a teacher of the University suitable for personal promotion, it shall state the reasons.

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(11) (*i*) The post of Reader or Professor, to which personal promotion is made, shall be deemed to be temporary addition to the cadre of Professor or Reader, as the case may be, and the post shall stand abolished on the incumbent ceasing to occupy it.

(*ii*) On the Reader ceasing to occupy the post of Professor to which he was given personal promotion, new appointment, if any, shall be made on the post of Reader and similarly on the Lecturer ceasing to occupy the post of Reader, new appointment, if any, shall be made on the post of Lecturer."

3. Amendment in Statute 18.05.—In the said Statutes, for clause (*b*) of Statute 18.05, the follwing clause shall be *substituted*, namely :

"(*b*) In the same cadre, inter se seniority of teachers, appointed by personal promotion or by direct recruitment, shall be determined according to length of continuous service in a substantive capacity in such cadre :

Provided that where more than one appointments have been made by direct recruitment at the same time and an order of preference or merit was indicated by the selection committee or by the Executive Council, as the case may be, the inter se seniority of persons so appointed shall be governed by the order so indicated :

Provided further that where more than one appointments have been made by promotion at the same time, the inter se seniority of the teachers so appointed shall be the same as it was in the post held by them at the time of promotion."

APPENDIX 'E'

(*See* Statute 11.12-B)

UNIVERSITY OF KUMAUN

***Proforma for Self-Assessment*

Date

SECTION-I

1. Name
2. Designation
3. Date of Birth
4. Academic Qualifications
5. Date of Joining the University
6. Date of Confirmation
7. Teaching Experience

Name of Institution	position held*	From	To	Total Period

**Please fill in all the columns. Write 'Not applicable' wherever necessary.
*Indicate also whether temporary/ad hoc/permanent.

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8. Courses taught at various levels : (Name the courses, give details).
   (*a*) Under-graduate
   (*b*) Post-graduate

9. Courses taught during the last three years (give exact details)—
   (*a*) Under-graduate
   (*b*) Post-graduate

10. Details of source of materials consulted by you for courses taught (books, Journals, etc.)

11. Details of teaching methods/employed by you : (lectures, tutorials, seminars, practical, etc.)

12. Details of Tutorials held during the last academic year :

	Under graduate Courses.	Post-graduate Courses.
Number held—		
Assignment Checked		

13. Were you able to meet the classes allotted to you during the last academic year in any of the levels of regularity given below : (circle what is applicable).
   (*a*) 90 per cent to 100 per cent
   (*b*) 80 per cent to 90 per cent
   (*c*) 70 per cent to 80 per cent
   (*d*) below 70 per cent

SECTION-II

1. Give details of the following degrees—

	University	Year of the award	Topic of Dissertation
M. Phil.			
Ph. D.			
D. Litt.			
D. Sc.			

2. Details of thesis, if published. (A copy may be enclosed).

3. Details of published reserach papers, books, monographs, reviews, chapter in books, translations and creative writing etc., if any.

4. Participation in conferences, seminars, workshops. Give details of the papers presented and/or official position held.

5. Summer Institutes, refresher or orientation course attended. Give details.

6. Details of Research guidance/Professional consultancy, if any.

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7. Membership or Fellowship of Professional/Academic Bodies, Societies etc. Give details.

8. Any other information regarding academic activities not covered under this section.

SECTION-III

Details of your contribution to the corporate life of your Institution

1. (*a*) Curriculum development.
   (*b*) Cultural/extra curricular activity.
   (*c*) Sports/community and extension services.
   (*d*) Administrative assignment.
   (*e*) Any other.

2. Any other information not covered in the above questionnaire.

I certify that the information given above is correct and factual to the best of my knowledge.

Signature.....

Department.....
.....

[97] **English translation of Shram Anubhag (3) Noti. No. 2636/XXXVI-3—4(S)-87, dated July 14, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 14th July, 1987, p. 2**

In exercise of the powers under sub-section (3) of Section 3 of the **Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962** (U.P. Act No. XXVI of 1962), the Governor is pleased to exempt in the public interest, the General Insurance Corporation of India and its four subsidiary companies from the operation of all the provisions of the said Adhiniyam.

[98] **English translation of Sansdeeya Karya Anubhag-1, Noti. No. 336 Sans./XVII. 1—87-78 Sans--86, dated February 11, 1987, published in the U.P. Gazette, Extra.. Part-4, Section (ka), dated 12th February, 1987. pp. 6-10** [P]

In exercise of the powers under Section 30 of the **Uttar Pradesh State Legislature (Members' Emoluments and Pension) Act, 1980** (U. P. Act No. 23 of 1980), the Governor is pleased to make the following rules with a view to amending the Uttar Pradesh State Legislature (Members' Emoluments and Pension) Rules, 1981 :

1. Short title and commencement.—(1) These Rules may be called the **Uttar Pradesh State Legislature (Members' Emoluments and Pension) (Sixth Amendment) Rules, 1987.**

(2) They shall be deemed to have come into force on April 1, 1986.

2. Amendment of Rule 8.—In the Uttar Pradesh State Legislature (Members' Emoluments and Pension) Rules, 1981 (hereinafter referred to as the said Rules) for Rule 8, the following rule shall be *substituted*, namely :—

"8. The railway coupons referred to in Sections 5 and 9 shall be supplied to the member concerned by the Secretary, who shall make necessary arrangements for the requisition of such coupons from the Railway Board, and also for the return of the unused coupons."

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3. Amendment of Rule 9.—For Rule 9 of the said rules, the following rule shall be *substituted*, namely :—

"*9. Value of railway coupons for part of the year.*—(1) Where in any year railway coupons for travel are to be issued for a part of the year, the coupons shall be issued in proportion to such part of the year only;

(2) Railway coupons under this rule shall be issued in round figures and in case any member is to be provided with coupons of the value of rupees fifty or above but less than rupees one hundred, he shall be given railway coupons for rupees one hundred and no railway coupons will be issued for less than rupees fifty."

4. Amendment of Rule 10.—In Rule 10 of the said rules, for sub-rule (2) the following sub-rule shall be *substituted*, namely :—

"(2) Where the Ticket Refund Receipt is submitted within the year in which the concerned railway coupons were originally issued then, subject to the limit specified in Section 5, the Secretary may issue fresh coupons equal to forty per cent of the amount of such tickets."

5. Omission of Rule 13.—Rule 13 of the said rules shall be *omitted.*

6. Amendment of Rule 14.—In Rule 14 of the said rules, for sub-rule (1) the following sub-rule shall be *substituted*, namely :—

"14. (1) Ordinarily railway coupons shall not be issued to a member for a sum exceeding five thousand rupees at a time. Fresh coupons shall be issued only when the Secretary is satisfied that the coupons previously issued to a member have been used or returned under sub-rule (2)."

7. Amendment of Rule 15.—For Rule 15 of the said rules, the following rule shall be *substituted*, namely :—

"15. No member shall be entitled to any railway coupons in advance."

8. Amendment of Rule 18.—For Rule 18 of the said rules, the following rule shall be *substituted*, namely :—

"18. The railway coupons issued to a member under Sections 5, and 9 shall be valid upto 31st day of May following the date of issue."

9. Amendment of Appendix I.—In Appendix I (Rules regarding issue of Railway Coupons to Members of the Uttar Pradesh State Legislature) of the said Rules—

(*i*) for para 2 the following para shall be *substituted*, namely :—

"*Para 2—Supply of Railway Coupons.*—On receipt of such a requisition, the said Railway Administration shall supply Railway Coupon Books which can be issued for travel by any class by any Indian Railway within or outside Uttar Pradesh and raise the necessary debit against the Government of Uttar Pradesh."

(*ii*) for para 3 the following para shall be *substituted*, namely :—

"*Para 3—Form of Certificate.*—Each coupon book shall contain

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the following certificate affixed by the Secretary :—

'I hereby certify that Sri/Srimati/Kumari..... is member of the Uttar Pradesh Legislative Assembly/Council and tickets may be issued in exchange of the railway coupons for journeys to be undertaken by him/her according to rules, within or outside Uttar Pradesh.

Secretary, Legislative Assembly/Council

(Seal)'.".

(*iii*) for para 4 the following para shall be *substituted*, namely :—

"*Para 4—Railway coupons*—Railway coupons will be available in books. Each coupon book shall contain the money value coupons of such denominations as may be decided from time to time in consultation with the Railway Board."

(*iv*) for para 7 the following para shall be *substituted*, namely :—

"*Para 7—Undertaking by members of U. P. Legislature.*—The member using the book shall fill in an undertaking in the following form which will be printed on the cover of every coupon book ;

'I, Sri//Smt./Kumari.....hereby declare that the coupons admissible to me under the U. P. State Legislature (Members' Emoluments and Pension) Act, 1980 and the rules made thereunder, shall be used by me according to the said Act and the rules for journeys within or outside Uttar Pradesh.

.....

Signature of the Member".

(*v*) for para 13 the following para shall be *substituted*, namely :—

"*Para 13*—In exchange for the coupons, the Booking Clerk will issue Single/Return Journey ticket for travel in the class as may be required scoring out the fare printed thereon and writing on the reverse of the ticket in red ink the words 'R.T.' coupons for members only."

(*vi*) for para 18 the following para shall be *substituted*, namely :—

"*Para 18—Travel in Higher Class and Reservation charges*—Tickets obtained in exchange for coupons may be converted to to any higher class in accordance with Railway Standing Rules and these coupons can also be used for paying the difference of fare between the two classes. The coupons can also be used for paying charges for reservation of seats and berths."

(*vii*) for para 21 the following para shall be *substituted*, namely :—

"*Para 21—Use of coupons*—No railway coupons shall be used for any purpose except for purposes of exchanging them for passenger ticket, reservation fees, difference of fares for travel in higher class, supplementary charge on Superfast trains and sleeper charge for sleeping accommodation at a Booking office. Coupons cannot in any circumstances be accepted towards payment of any other charges e.g. luggage charges etc., not permissible under the Act and the rules made thereunder."

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10. Omission of Form 'D'.—In the said Rules, Form 'D' shall be *omitted.*

[99] **English translation of Shram Anubhag-3, Noti. No. 2605/XXXVI-3—703(S)-82, dated September 4, 1986, published in the U.P. Gazette, Extra., Part-4 Section (kha), dated 4th September, 1986, pp. 4-7**

In exercise of the powers under Section 29 of the **Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962** (U.P. Act No. 26 of 1962), read with Section 21 of the Uttar Pradesh General Clauses Act, 1904 (U.P. Act No. 1 of 1904) and in supersession of all previous notifications issued in this behalf, the Governor is pleased to appoint the officers/officials mentioned in Column 2 of the Schedule below to be 'Inspectors' for the purposes of the said Act within the areas mentioned against each in Column 3 thereof.

Schedule

Serial No.	Officers/Officials	Area (showing local limit)
1	2	3
1	All Additional Labour Commissioners posted in the office of Labour Commissioner, U.P., Kanpur.	Kanpur Region consisting of districts of Kanpur Nagar, Kanpur Dehat, Etawah, Unnao and Farrukhabad.
2	All the Deputy Labour Commissioners posted in the office of the Labour Commissioner, Uttar Pradesh, Kanpur.	Ditto.
3	All the Labour Inspectors posted in the office of the Labour Commissioner, Uttar Pradesh, Kanpur.	Ditto.
4	All the Assistant Trade Union Inspectors posted in the office of the Labour Commissioner, Uttar Pradesh, Kanpur.	Ditto.
5	All the Welfare Inspectors posted in the office of the Labour Commissioner, Uttar Pradesh, Kanpur.	Ditto.
6	All the Chief Senior Investigators posted in the office of the Labour Commissioner, Uttar Pradesh, Kanpur.	Ditto.
7	Additional Labour Commissioner, Uttar Pradesh, Kanpur Region, Kanpur.	Ditto.
8	All the Labour/Conciliation Officers posted anywhere in Kanpur Region.	Ditto.
9	Assistant Welfare Officer, Kanpur Region.	Ditto.
10	All the Labour Inspectors posted anywhere in Kanpur Region.	Ditto.
11	Welfare Inspector, Kanpur Region.	Ditto.
12	Chief Investigator, Kanpur Region	Ditto.

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1	2	3
13	Deputy Labour Commissioner, Allahabad Region, Allahabad.	Allahabad Region consisting of the district of Allahabad and Fatehpur.
14	All the Labour/Conciliation officer posted anywhere in Allahabad Region.	Ditto.
15	Assistant Welfare Officer, Allahabad Region.	Ditto.
16	Assistant Trade Union Inspector, Allahabad Region.	Ditto.
17	Chief Investigator, Allahabad Region.	Ditto.
18	Welfare Inspector, Allahabad Region.	Ditto.
19	All the Labour Inspectors posted anywhere in Allahabad Region.	Ditto.
20	Deputy Labour Commissioner, Meerut Region.	Meerut Region consisting of the districts of Meerut, Muzaffarnagar and Saharanpur.
21	All the Labour/Conciliation Officers posted anywhere in Meerut Region.	Ditto.
22	Assistant Welfare Officer, Meerut Region.	Ditto.
23	Assistant Trade Union Inspector, Meerut Region.	Ditto.
24	Chief Investigator, Meerut Region.	Ditto.
25	Welfare Inspector, Meerut Region.	Ditto.
26	All the Labour Inspectors postal anywhere in Meerut Region.	Ditto.
27	Deputy Labour Commissioner, Agra Region, Agra.	Agra, Region consisting of the districts of Agra, Aligarh, Etah, Mainpuri and Mathura.
28	All the Labour/Conciliation Officers posted anywhere in Agra Region.	Ditto.
29	Assistant Welfare Officer, Agra Region.	Ditto.
30	Assistant Trade Union Inspector, Agra Region.	Ditto.
31	Chief Investigator, Agra Region.	Ditto.
32	Welfare Inspector, Agra Region.	Ditto.
33	All the Labour Inspectors posted anywhere in Agra Region.	Ditto.

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1	2	3
34	Deputy Labour Commissioner, Gorakhpur Region.	Gorakhpur Region consisting of the dirtricts of Gorakhpur, Basti, Deoria and Azamgarh.
35	All the Labour/Conciliation Officers posted anywhere in Gorakhpur Region.	Ditto.
36	Assistant Welfare Officers, Gorakhpur Region.	Ditto.
37	Assistant Trade Union Inspector, Gorakhpur Region.	Ditto.
38	Welfare Inspector, Gorakhpur Region.	Ditto.
39	Chief Investigator, Gorakhpur Region.	Ditto.
40	All the Labour Inspectors posted anywhere in Gorakhpur Region.	Ditto.
41	Deputy Labour Commissioner, Lucknow Region, Lucknow.	Lucknow Region consisting of the districts of Lucknow, Hardoi, Kheri, Rae Bareli and Sitapur.
42	All the Labour/Conciliation Officers posted anywhere in Lucknow Region.	Ditto.
43	Assistant Welfare Officer, Lucknow Region.	Ditto.
44	Assistant Trade Union Inspector, Lucknow Region.	Ditto.
45	Chief Investigator, Lucknow Region.	Ditto.
46	Welfare Inspector, Lucknow Region.	Ditto.
47	All the Labour Inspectors posted anywhere in Lucknow Region.	Ditto.
48	Deputy Labour Commissioner, Faizabad Region, Faizabad.	Faizabad Region, consisting of the districts of Faizabad, Bahraich, Bara Banki, Gonda, Pratapgarh and Sultanpur.
49	All the Labour/Conciliation Officers posted anywhere in Faizabad Region.	Ditto.
50	All the Labour Inspectors posted in Faizabad Region.	Ditto.
51	Chief Investigator, Faizabad Region.	Ditto.

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1	2	3
52	Deputy Labour Commissioner, Bareilly Region, Bareilly.	Bareilly Region consisting of the districts of Bareilly, Budaun, Pilibhit and Shahjahanpur.
53	All the Labour/Conciliation Officers posted anywhere in Bareilly Region.	Ditto.
54	Assistant Welfare Officer, Bareilly Region.	Ditto.
55	Assistant Trade Union Inspector, Bareilly Region.	Ditto.
56	Welfare Inspector, Bareilly Region.	Ditto.
57	Chief Investigator, Bareilly Region.	Ditto.
58	All the Labour Inspectors posted anywhere in Bareilly Region.	Ditto.
59	Deputy Labour Commissioner, Moradabad Region, Moradabad.	Moradabad Region, consisting of the districts of Moradabad, Rampur and Bijnor.
60	All the Labour/Conciliation Officers posted anywhere in Moradabad Region.	Ditto.
61	All the Labour Inspectors posted anywhere in Moradabad Region.	Ditto.
62	Deputy Labour Commissioner Varanasi Region, Varanasi.	Varanasi Region consisting of the districts of Varanasi, Ghazipur, Ballia and Jaunpur.
63	All the Labour/Conciliation Officers posted in Varanasi Region.	Ditto.
64	All the Labour Inspectors posted anywhere in Varanasi Region.	Ditto.
65	Chief Investigator, Varanasi Region.	Ditto.
66	Deputy Labour Commissioner, Garhwal Region, Dehra Dun.	Garhwal Region consisting of the districts of Dehra Dun, Chamoli, Garhwal (Pauri), Tehri-Garhwal and Uttar Kashi.
67	All the Labour/Conciliation Officers posted anywhere in Garhwal Region.	Ditto.
68	All the Lobour Inspectors posted anywhere in Garhwal Region.	Ditto.
69	Chief Investigator, Garhwal Region, Dehra Dun.	Ditto.

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1	2	3
70	Deputy Labour Commissioner, Kumaun Region, Haldwani (Naini Tal).	Kumaun Region consisting of the districts of Naini Tal, Almora, and Pithoragarh.
71	Al' iation Officers posted ar Region.	Ditto.
72	A ors posted anywhere in ldwani (Naini Tal).	Ditto.
73	C egion, Hald-	Ditto.
	, Ghaziabad	Ghaziabad Region consisting of the districts of Ghaziabad and Bulandshahr.
75	All the Labour/Conciliation Officers posted anywhere in Ghaizabad Region.	Ditto.
76	All the Labour Inspectors posted anywere in Ghaziabad Region.	Ditto.
77	Deputy Labour Commissioner, Mirzapur Region, Mirzapur.	Mirzapur Region consisting of the district of Mirzapur.
78	All the Labour/Conciliation Officers posted anywhere in Mirzapur Region.	Ditto.
79	All the Labour Inspectors posted anywhere in Mirzapur Region.	Ditto.
80	Deputy Labour Commissioner, Jhansi Region, Jhansi.	Jhansi Region consisting of the districts of Jhansi, Lalitpur, Banda, Hamirpur and Jalaun.
81	All the Labour Inspectors posted anywhere in Jhansi Region.	Ditto.
82	Chief Investigator, Jhansi Region.	Ditto.

[100] **English translation of Nagar Vikas Anubhag-2, Noti. No. 2719/IX-2—86-3(19)-WSR-79, dated July 16, 1986, published in the U.P, Gazette, Extra., Part-4, Section (kha), dated 16th July, 1986, pp. 5-9**

In exercise of the powers under Section 271 and sub-section (1) of Section 540 of the **Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959** (U.P. Adhiniyam No. 11 of 1959), the Governor is pleased to make the following rules for the regulation of Water Supply and Water Charges in the Nagar Mahapalika, Bareilly, after their previous publication with Government Notification No. 2305/IX-2—86-3(19)-WSR-86, dated June 16, 1986, as required under sub-section (2) of Section 540 of the said Adhiniyam.

1. **Short title and commencement. Section 540.**—(1) These rules may be called the Nagar Mahapalika, Bareilly Regulation of Water Supply and Water Charges Rules, 1986.

(2) They shall come into force with effect from the date of their publication in the Gazette.

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(3) These rules shall be applicable only in the area within the local limits of the Bareilly Nagar Mahapalika.

(4) These rules shall be read as in continuation of the U. P. Nagar Mahapalika Water Supply Rules published under Notification No. 3172-D/IX-B—304-W-61, dated June 25, 1968, published in U. P. Gazette, Part I-Ka, dated 6th July, 1968, as subsequently amended from time to time but shall be applicable only to the Bareilly Nagar Mahapalika.

2. Area of operation of water supply system. Section 269.—The Nagar Mahapalika shall maintain a system of water supply through pipes throughout the Nagar Mahapalika, or such parts of the Nagar Mahapalika as may be duly notified for the purpose.

3. Pressure. Section 269.—The pressure at which water shall be supplied, measured on the public road at the point where the consumer's service pipe is connected to the Mahapalika's main, shall not be less than twenty feet or six metre between the hours of 5.30 to 11 a.m. and 2 p.m. to 8 p.m. from 1st April to 31st October and between the hours of 6 a.m. to 11 a.m. and 2 p.m. to 8 p.m.* from 1st November to 31st March. During the remaining hours of the day and night the minimum pressure on the distribution system shall never fall below that due to the level of the water in the main elevated storage tanks when these are quarter full, i.e. reservoir level.

4. Stand-post. Section 271(2).—(1) The intervals at which stand-posts or pipes shall be erected in all Chief streets or portions thereof in which mains have been laid shall not exceed 450 metre :

Provided always that stand-posts are not erected at closer intervals than 180 metre.

(2) The Nagar Mahapalika shall provide as many public stand-posts as circumstances may allow with water storage tanks fed from the mains through controlled and throttled float-valves. The capacity of the tanks shall not be less than 900 litres per tap. The tanks shall be properly protected from contamination and the unauthorised interference and shall be of a design approved by the Managing Director, Uttar Pradesh Jal Nigam.

5. Chemical and bacteriological analysis. Section 271(1).—(1) The Nagar Mahapalika shall arrange for the chemical and bactriological analysis of water taken at times from the places in the water-works as specified in the following table by its Medical Officer of Health or at any approved laboratory :

Nature of water Supply	Where the samples are to be collected from	How frequently	Nature of test to be made
Tube-wells	Balancing and collecting reservoirs, if any	Weekly	Bacteriological Colony count and Lactose Fermentation Test.
	Standposts and service tanks	Quarterly Weekly	Chemical
	Standposts, if a softening plant is installed	Quarterly	Bacteriological Colony count and Lactose Fermentation Test. Chemical

* *Vide* Hindi version.

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(2) The samples for routine examination shall be taken by the Medical Officer of Health or a Sanitary Inspector under his supervisions and sent to the laboratory. If so desired by the Nagar Mahapalika the Nagar Abhiyanta (Jalkal) or his Assistants may be present at the time the samples are taken by the Medical Officer of Health. The Nagar Abhiyanta (Jalkal) may also have any samples taken by him analysed at the laboratory.

(3) The weekly sample shall not necessarily be taken on the same day of the week.

(4) The waterworks shall be open to the inspection and the taking samples by the Medical Officer of Health during all working hours.

6. Minimum water tax. Section 271(2).—The minimum water tax payable in respect of any building or land which shall entitle the owner or occupier thereof to connect his building or land with a water main shall be Rs. 96.00 (Rupees Ninety-six) per annum.

The Mahapalika may allow a water connection for domestic purposes to any person whose building is assessed to a water tax below the prescribed minimum provided he undertakes to pay the difference by which the amount of his water tax falls short of the aforesaid prescribed miniumum.

7. Width of pipe of water connection. Section 271(2).— A connection pipe laid down by any person in the exercise of the right conferred by Section 269 of the Mahapalika Act shall not exceed, in its inside diameter, 15 mm :

Provided that the Mahapalika may enter into an agreement with any person for the supply of water subject to control by meter through a connection pipe greater than that prescribed in this rule.

8. Water-meter by consumer. Section 271(2).—(1) A consumer may have his own water meter fixed for his connection provided the water-meter is of the make and design approved by the Managing Director, Uttar Pradesh Jal Nigam, Lucknow. In such case no meter rent shall be payable by the consumer but he shall have to bear all expenses for its testing before installation and necessary repairs in future if and when necessary.

(2) All water connections for non-domestic purposes including trade, building construction, irrigation, garden watering and garage requirement shall be entirely separate from water connections for domestic purposes and shall be separately metered and meter rent according to the table given below shall be levied and charged. Provided that only half of the meter rent shall be charged if the meter has remained installed in the premises for fifteen days or less, in any one calendar month.

(3) *Meter Security*—After a water connection has been sanctioned to the consumer by the Mahapalika, the consumer shall have to deposit a security money as given below :

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SCALE

Size of meter	*Security*
15 mm.	250.00
20 mm.	300.00
25 mm.	350.00
30 mm.	400.00
40 mm.	450.00
50 mm.	600.00
80 mm.	1,500.00
100 mm.	2,000.00

9. Compulsory metering of connections. Section 271(2).—(1) All water connections whether public or private shall be metered. The meter shall be of such make and design as is approved by the Managing Director, Uttar Pradesh Jal Nigam, Lucknow and be supplied, by the Mahapalika the meter rent for meter supplied shall be charged from the consumer according to the following Mahapalika scale and be payable monthly with the water charges:

SCALE

Size of meter	*Monthly rent of meter*
15 mm.	2.00
20 mm.	2.50
25 mm.	4.00
30 mm.	5.00
40 mm.	6.00
50 mm.	8.00
80 mm.	10.00
100 mm.	15.00

(2) The Board shall at all times maintain the meters in proper order for correctly registering the supply of water and in default of so doing the consumer shall not be liable to pay meter rent for the period during which the default continues.

10. Rates of water charges. Section 271(2).—(*a*) Subject to the provision of Rule 11 the charges for the water consumed shall be as under:

1.	For Domestic purposes ..	0.75 per k.l.
2.	Mahapalika purposes ..	0.75 per k.l.
3.	Building construction ..	2.00 per k.l.
4.	Non-domestic purposes ..	2.00 per k.l.
5.	Shitalay/Bottling Co., Ice Factory ..	2.50 per k.l.
6.	Hotel/Restaurant, etc. ..	2.50 per k.l.
7.	Ferrule rating per month ..	10 mm. 30.00 15 mm. 40.00

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Provided that a rebate of ten per cent shall be allowed if the payment of the bill is made within fifteen days from the date of its receipt.

(*b*) *Deductions*—The Mahapalika shall deduct from the charges for every month on account of water supplied one-twelfth of the water tax assessed on the building or land situated within the limits of the Mahapalika.

(*c*) Water supplied through a water connection for domestic purposes only shall not be used for non-domestic purposes without the permission of the Mahapalika.

(*d*) In case where it is not possible to allow separate water connection for domestic and non-domestic purposes, the Mahapalika may allow a metered connection for combined purposes and the tax payer in such cases shall be entitled one-twelfth of the quantity due in lieu of the water tax at domestic rate and the excess consumption beyond this limit will be charged at non-domestic rates.

(*e*) The Nagar Abhiyanta (Jal) shall have the authority to declare, after due notice to any consumer found using water for non-domestic purposes from domestic connection, that the water consumed from such connection shall be chargeable at entirely non-domestic rate.

11. Concession. Section 271.—(1) The rates of water charges in case of water connection held by colleges, schools, dispensaries, charitable institutions, orphanages, asylums, dharamshalas, places of worship and hospitals for domestic as well as non-domestic purposes may be fixed at three-fourth of the normal rates prescribed in Rule 10 by a special resolution of the Mahapalika. Provided that the Mahapalika may by its special resolution wholly exempt any such colleges, schools, dispensaries, charitable institutions, orphanages, asylums, dharamshalas places of worship and hospitals from payment of water charges if they are under the direct management of the Mahapalika.

(2) All supplies of water given at reduced rates or free of charges under sub-rule (1) shall also be metered.

(3) The Mahapalika shall credit to the account of the water supply undertaking full value of water supplied to the charitable and other institutions referred to in sub-rule (1) and the difference in the amount payable by such institutions and full value calculated at the normal prescribed rates shall be borne by the Mahapalika from other departments or funds at its disposal.

12. Water connections for non-domestic purposes. Section 271(2).—(1) Nagar Mahapalika shall not be bound to grant a water connection to any applicant for non-domestic purposes, but it shall be bound to provide a water connection for domestic purposes to any applicant whose premises are within the Mahapalika limits, provided that such applicant is prepared to defray the cost of any extensions which may be necessary beyond the distance of 30 metres from the existing mains.

(2) An applicant requiring water connection for non-domestic purposes shall defray the cost of extension of any Municipal main which may be necessary within the Municipal limits beyond existing main.

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13. Reading of meter. Section 271(2).—Every month the meter reader shall read the meters and shall record the consumption registered thereon in the meter book as well as on the cards supplied to the consumers.

14. Disconnection. Section 271(2).—Should a consumer wish to discontinue the supply, fifteen days clear notice in writing shall be given to the Mukhya Nagar Adhikari who shall have the supply cut off. Failing such notice the consumer shall be held responsible for all water consumed and any other charges that may accrue.

15. Sanction of water connection. Section 271(2).—No connection shall be allowed without the sanction of the Mukhya Nagar Adhikari.

16. Other charges. Section 271(2).—With reference to Rule 3 of the Uttar Pradesh Nagar Mahapalika Water Supply Rules, 1963 the charges for the undernoted works done shall be according to the following scale:

1.	For supervision of connection and re-connection	Rs. 10.00
2.	For disconnection	Rs. 10.00
3.	Application Fee	Rs. 5.00
4.	For meter testing	Rs. 10.00
5.	Other works	Ten per cent of the actual cost.

17. Specifications, size etc. and water connection. Section 271(2).—All consumers waterworks pipes and fittings shall conform with the latest model specifications for standard water pipes and fittings recommended by the Managing Director, U. P. Jal Nigam, Lucknow as far as sizes, designs, weights and workmanship are concerned.

18. Inspection of water connection. Section 271(2).—The Nagar Abhiyanta (Jal) and his Assistants shall be entitled at all reasonable time, after informing the occupier, of their intention to do so, to enter upon the premises for the purpose of inspecting meters, service pipe and fittings.

19. Penalty. Section 550.—A person committing breach of any rule of these rules, shall on conviction be punishable with fine which may extend to Rs. 500 (five hundred rupees) and if the breach continues with a further fine which may extend to Rs. 20 (twenty rupees only) for every day after the first conviction during which the offender is proved to have persisted in the offence.

[101] **English translation of Nagar Vikas Anubhag—9, Noti. No. 8685 B/XI-9-86-477-79, dated December 26, 1986, published in the U.P. Gazette, Extra., Part—4, Section (kha), dated 1st January, 1987, pp. 11-18**

In exercise of powers under Sections 296, 299 and 128(1)(14) of the **U.P. Municipalities Act, 1916** (U.P. Act No. II of 1916), the Governor is pleased to make the following rules for the assessment and collection of pilgrim tax on passengers entering the limits of Rishikesh Municipal Board by motor car, taxi, bus or other motor vehicles after their previous publication with Government Notification No. 4672-B/XI-9-86-477-79, dated July 29, 1986 as required by sub-section (1) of Section 300 of the said Act:

1. Short title, extent and commencement.—(1) These rules may be called the **Municipal Board, Rishikesh Pilgrim Tax Rules, 1986.**

(2) They shall come into force with effect from the date of their publication in the Gazette.

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2. **Definition.**—In these rules unless the context otherwise requires :

(1) 'Board' means the Municipal Board Rishikesh, district Dehradun ;

(2) 'Executive Officer' means the Executive Officer of the Board ;

(3) 'Inspector' means the Pilgrim Tax Inspector of the Board or and such other persons or person as have been appointed by the Executive Officer to perform the duties of the Inspector ;

(4) 'Out post' means the place where the Board has arranged the collection of the tax ;

(5) 'Pilgrim Tax' means the tax levied under these rules in exercise of powers under Section 128(XIV) of the Act ;

(6) 'Schedule' means the Schedule to these rules according to which the pilgrim tax will be assessed and collected ; and

(7) 'Vehicle' means motor car, station wagon, bus, lorry, pick-up, motor cycle, scooter, moped, tractor and rickshaw, jeep and taxi.

3. **Entry of vehicles within the limit of Municipal Board.**—No person shall bring, attempt to bring or assist any person in bringing a vehicle within the limits of the Board unless he has paid pilgrim tax mentioned in the schedule and obtained a receipt in accordance with the provisions of these rules.

4. **Availability of the rules.**—A copy of these rules shall be displayed at the outpost at a place open to public view. A copy of the same shall also be made available to employees at the outpost and, if so requested by the tax payer, such employees shall be bound to show the same to him.

5. **Posting of Moharrir and peon at the outpost.**—The Moharrir shall be incharge of the outpost and peons in sufficient number shall be posted by the Board to assist him.

6. **Duty of the Moharrir and peon.**—(1) In addition to the duties assigned to them by the Executive Officer it will also be the duty of the peon and Moharrir to stop the vehicles, carrying passengers liable to pay pilgrim tax at the outpost and ensure that pilgrim tax is assessed and collected.

(2) The peon will issue a check slip in 'Form' Pilgrim Tax-H, prepared on double carbon and signed by him, to the driver or the incharge of the vehicle from whom the said tax is to be realised. The Moharrir will number the slip. On the basis of the said slip, he will realise pilgrim tax and issue a receipt, numbered by him. He will enter it in the Traffic Register prepared in "Form Pilgrim Tax-D".

(3) The Moharrir will prepare the receipt of the pilgrim tax on the prescribed "Form Pilgrim Tax-G". He will give the carbon copy of it to the tax payer along with the coupon and keep the first copy with him in the receipt book. The progressive total of the pilgrim tax will be made on the bottom of particular page. The progressive total will at once be taken out and will not be left for any future time.

(4) If any driver or the incharge of the vehicle refuses or is unable to pay the tax, the Moharrir shall at once and, in any case, not later than the

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next day report the facts to the Executive Officer and will also enter the same in the Traffic Register which he will send to the Office next day.

7. **Duty of the Driver or Incharge of the vehicle to ensure payment of tax.**—(1) The driver, or the incharge of the vehicle will stop his vehicle at the outpost so that the staff of the outpost may collect the pilgrim tax. The driver or the incharge of the vehicle shall also show the receipt, received from the outpost when required by the Inspector to ensure whether or not the proper tax has been collected by the staff of the outpost.

(2) The driver, conductor or any other person incharge of the vehicle shall not let any passenger, liable to pay pilgrim tax to get down before the outpost and get in after crossing the outpost with a view to evading the payment of pilgrim tax.

8. **Duty of inspector to ensure payment of tax.**—(1) In case the driver or the incharge of vehicle does not produce the receipt before the Inspector, he may suspect evasion of the tax and he will report the matter to the Executive Officer.

(2) After counting the passengers, if the Inspector finds that all the particulars and entries of the receipt are correct, he will tear off the coupon of the receipt and will keep it with him. He will sign and write his name on the back of the receipt and will return it to the tax payer. The Inspector will verify the coupons with counterfoil kept at the outpost and in token of his having done so, he will sign each of the counterfoils and will paste the coupon on the back of the counterfoils.

9. **Power of Executive Officer to prescribe forms.**—The Executive Officer may prescribe such forms as may be required for the proper compliance of these rules.

10. **Power of Executive Officer to give directions.**—The Executive Officer may issue such directions to the Officers or servants of the Board as may be necessary for the proper performance of these rules.

11. **Special provision for Uttar Pradesh State Roadways Transport Corporation.**—Uttar Pradesh State Road Transport Corporation (hereinafter referred to as Nigam) or their successors, agents or/administrator will collect the pilgrim tax from the passengers of the buses which enter the limits of Board in the following manner :

(*i*) The Officer of the Nigam or the Officer incharge of the bus stations situated outside the municipal limits of the Board will collect the pilgrim tax alongwith the tickets issued to the passengers going to Rishikesh ;

(*ii*) The Board will pay commission at the rate of 6% of the collected amount of pilgrim tax by the Nigam ;

(*iii*) The Nigam will remit the amount of pilgrim tax, after deduction of their commission to the Board by the 15th of the succeeding month in the form of a bank draft ;

(*iv*) If Nigam fails to remit the pilgrim tax to the Board within the specified time the Board shall have the power to collect the said tax at the outpost in the same manner as is prescribed for collec-

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tion of tax from passengers in vehicles other than those of Nigam.

(*v*) The officers of the Nigam shall at the end of every month prepare an account which will contain the following informations :

(*a*) Total number of tickets issued from various stations or from any place situated out side the limits of the Board to the passengers from whom the tax has been collected ;

(*b*) Amount of the collected pilgrim tax ;

(*c*) Amount of the commission prescribed for collection of pilgrim tax by the officers of the Nigam ;

(*d*) Actual amount of the tax paid to the Board.

(*vi*) An employee or officer of the Board, duly authorised by the Executive Officer, will have the right to inspect all connected records of the Nigam, for the purpose of verifying the matter relating to payment of pilgrim tax, in the office of the Nigam without payment of any fees.

12. Exemption from payment of Pilgrim tax.—Subject to the conditions laid down in this rule and Rule 13, the following shall be exempt from payment of pilgrim tax :

(*a*) Children below five years of age ;

(*b*) Bonafide residents of Rishikesh or IDPL Colony on production of Pilgrim Tax exemption certificate in "Form Pilgrim Tax-A" ;

(*c*) Officers or officials coming to Rishikesh on Government duty on production of declaration in 'Form Pilgrim Tax-E" and, where tax has already been realised from them by the Nigam along with the ticket, on production of declaration in "Form Pilgrim Tax-F" ;

(*d*) Officers and Officials of the United States of America or of any recognised institution of foreign country coming to Rishikesh under any technical charter with Government of India ;

(*e*) Foreign Ambassadors, High Commissioners, Ministers, Counsellors, members of their families and members of their staff ;

(*f*) Employees of Antibiotic Factory Virbhadra ;

(*g*) Employees working in Tehri Dam Project ;

(*h*) Marriage parties coming to Rishikesh only provided full details of the party are given and entered in the Traffic Register under signatures of the owner or incharge of the vehicle ;

(*i*) Passengers travelling through Virbhadra Road on Shivratri day only ;

(*j*) Students coming to or passing through Rishikesh on an educational tour provided that a certificate signed by the Head Master or Principal of the School or the College or the Registrar or any other competent authority of the University or the department containing the following particulars is produced :

(*i*) Name of the School/College/University etc ;

(*ii*) Purpose of the tour ;

(*iii*) Number of students ; or

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(*iv*) Registeration number of the vehicle in which journey is being performed (if journey is being performed in a chartered vehicle) or the mode of the travel (where journey is being performed in any other manner) ;

(*v*) Signature of Head Master/Principal/Registrar/Competent authority under the seal of office.

(*k*) Passengers in vehicles from Lakshman Jhula or from its southern side at the outpost of Lakshman Jhula Marg ;

(*l*) Persons coming on cycle ;

(*m*) Employees of the State Government or of the Nigam travelling in a vehicle which is not being plied for trade or business ;

(*n*) Employees of the Armed Forces and their allied institutions ;

(*o*) Employees of the Police Forces and their allied institutions ;

(*p*) Employees of the Border Security Force and its allied institutions/ Forces ;

(*q*) Coolies on trucks, who are allowed in their registration papers ;

(*r*) Drivers and conductors of the vehicles, capable of carrying more than 14 passengers ;

(*s*) Drivers of motor cars and other motor vehicles (not being motor cycle, scooter or moped).

13. Procedure for exemption in certain cases.—(1)(*i*) The exemption certificate referred to in clause (*b*) of Rule 12 may be obtained by the residents of Rishikesh and of IDPL Colony by making an application in "Form Pilgrim Tax-B" which may be obtained free from the office of the Board.

(*ii*) The exemption certificate shall be granted in "Form Pilgrim Tax-A" on payment of one rupee.

(*iii*) The exemption certificate, issued under this sub-rule at any time during the year shall expire on March 31 but may be renewed from year to year on payment of one rupee per annum.

(2) The Officers or officials, referred to in clause (*c*) of Rule 12 travelling in a vehicle other than that of the Nigam shall produce declaration in "Form Pilgrim Tax-E" before the Moharrir of the outpost who shall verify the signatures and other particulars of the officer or officials and on being satisfied of the genuiness of declaration, shall not charge the pilgrim tax. He shall put the seal of the outpost on the declaration form, which shall be returned by him, and enter the particulars in "Form Pilgrim Tax-C".

(3) (*i*) Where pilgrim tax has been realised by the Nigam along with the ticket, from the persons exempted under sub-rule (1), refund may be claimed by such persons from the office of the Board on production of—

(*a*) certificate in "Form Pilgrim Tax-A" in case of residents of Rishikesh or the IDPL Colony ;

(*b*) declaration in Form "Pigrim Tax-F", in case of officers/officials travelling on Government Duty ;

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(*c*) certificate with particulars given in clause (*j*) of Rule 12 in case of students coming on educational tour;

(*d*) such other proof in other cases as may be considered sufficient by the tax clerk or any other officer authorised by the Executive Officer in this behalf.

(*ii*) The Moharrir of the outpost shall verify the signatures and particulars of the tax payer, enter the number and other details in the Register "Form Pilgrims Tax-C", put the seal of the outpost on the certificate, declaration or other proof and return the same to the tax payer.

(*iii*) The tax payer may obtain refund from the office of the Board on production of the verified certificate, declaration or other proof, referred to in clause (*ii*).

(*iv*) No claim for refund shall be entertained after the close of the financial year ending March.

(*v*) A sum of Rs. 500 or such lesser sum as the Executive Officer may consider proper shall be kept with the tax clerk for refund of the tax in accordance with this rule. The amount may be recouped from time to time.

14. Penalty.—Any person who crosses or attempts to cross or helps any one to cross the out-post without payment of pilgrim tax in accordance with these rules shall, on conviction by a Magistrate be punishable with fine equal to twenty times the tax payable or Rs. 500 whichever be less, so, however, that the fine shall in no case be less than ten times the tax payable.

Schedule

(*See* Rule 3)

1.	Passengers entering Rishikesh in motor vehicles ..	0.50 paise per passenger.
2.	Passenger travelling by vehicles of the Nigam plying between Raivala and Lakshman Jhula only when it comes from Raivala.	0.10 paise per passenger.

Note.—During the period of Kumbha Mela, the rates will be double the rates prescribed in this schedule.

FORM-PILGRIM-TAX-A

[*See* Rules 12(*b*), 13(1)(*i*) and 13(3)(*i*)(*a*)] No.

Pilgrim Tax Exemption certificate issued by Year 19

MUNICIPAL BOARD, RISHIKESH

(Valid only when the exempted person signs himself)

Sri/Smt./Km....., Age.....
Son/daughter/wife of.....
resident of.....Rishikesh/IDPL Colony who has signed/put his thumb-impression below is exempted from payment of pilgrim tax under Rule 12(*b*) of the Municipal Board, Rishikesh Pilgrim Tax Rules, 1986.

Date..... *Executive Officer*

I declare that I will not misuse this form

Signature/Thumb-impression

Signature/Thumb-impression of Sri/Smt./Km.....are attested.

Signature of a member/officer of the Board/
Public Relations Officer, IDPL, Veerbhadra.

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Renewal of tax exemption certificate

Renewed for the year.....

Please note that,

1. Your signature must be attested otherwise the use of the document will be illegal.
2. When the enclosed declaration form is finished or is about to finish, a fresh be received from the Municipal Board.
3. If the exemption form is lost, the office of the Board must be informed. Breach of exemption form rules is punishable with a fine of Rs. 200.
4. Its term expires automatically on March 31.

FORM OF DECLARATION

Book No. No.....

Municipal Board, Rishikesh

I hereby declare that this form shall be used by me only. If it is found incorrect I will be punishable according to rules.

Date..... *Signature/Thumb-impression*

FORM-PILGRIM TAX-B

[*See* Rule 13(1)(*i*)]

Application for the Receipt of Pilgrim Tax Exemption Form

To

The Executive Officer,

Municipal Board, Rishikesh.

No. of the application.....

Sir,

It is submitted that I/we/am/are a bona fide resident(s) of Rishikesh/IDPL Colony. Kindly issue an exemption certificate as following.

For use in Municipal Board's Office Pilgrim Tax exemption certificate form be issued.

1. Name.....
   Name of father/husband.....
   Age.....
2.
3.
4.

Executive Officer,

Issued

Exemption from Pilgrim tax form no.

.....

Yours faithfully,

Name..... *Signature*.....

Address.....

Ward no.....

Qr. no.....

Inquiry after issuing of exempted form

I do hereby certify that Sri/Smt./Km. is a bona fide resident of Rishikesh/IDPL Colony. He should be given a Pilgrim Tax Exemption form.

Signature of any member/officer of Municipal Board
Rishikesh-Public Relation Officer, IDPL, Veerbhaara.

FORM-PILGRIM TAX-C

[*See* Rules 13(2) and 13(3)(*ii*)]

Book No..... .....

Municipal Board, Rishikesh

Daily scroll for the use of Pilgrim Tax Exemption form at the out-post of.....
.....

Sl. No..... Date.....

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Time	No. of exemption Form and the name of the holder	No. of vehicle	Total No. of passengers in the vehicle	Chalan No. of the vehicle	No. of passengers according to chalan	Signature of the Moharrir
1	2	3	4	5	6	7

FORM-PILGRIM TAX-D

[*See* Rule 6(2)]

Municipal Board, Rishikesh

Traffic register of the Out-post.....

Register No.....Date.....Sl. No.....

Sl. No.	No. of check Slip	No. of vehicle	Kind of vehicle	No. of passengers	Income from Special passengers detail, if any		Signature of the Moharrir
					Rs.	P.	
1	2	3	4	5	6	7	8

Signature of the Moharrir.....

FORM PILGRIM TAX-E

[*See* Rules 12(1) and 13(2)]

Municipal Board, Rishikesh

No.....

Declaration for exemption from the payment of Tax for the Officers/Officials travelling on Government duty in their own or departmental vehicle.

Name.....Designation and Address.....

Department.....Signature.....

Date.....Vehicle No.....

Name of persons accompanying :

1. .....
2. .....
3. .....

Signature of the officer/official.....

Note.—This declaration form will be verified by the Head of the department/office under his seal and on being found false, legal action will be taken. If the person himself is the Head of department/office, he may himself verify under his signature and seal.

FORM PILGRIM TAX-F

[*See* Rules 12(*c*) and 13(3)(*i*)(*b*)]

Seal outpost

Sl. No.....

Date.....

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Municipal Board, Rishikesh

Declaration regarding exemption from paying of Pilgrim-Tax

(Only for officers/officials travelling on government duty)

I have come to Rishikesh on
I do hereby declare that ———————————— government duty. Certificate
I am going from Rishikesh on
from my Head of department/office to this effect is enclosed/government duty, certificate of my Head of department/office will be produced.

The amount paid by me as Pilgrim-Tax may please be remitted to me on the following address :

Name..... Office and Department.....

Address.....Vehicle No.....Ticket No.....

Time.....Date.....

Signature.....

Certified that Sri.....was on government duty while performing the above journey.

Dated..... *Signature of the Head of the department/office*

Seal

To be used by the Municipal Board

(Where Pilgrim-tax has already been charged) Pilgrim-Tax Rs. be refunded Rs.....
Pilgrim-tax remitted.

Signature of Officer-in-Charge

Executive Officer

Note.—Required procedure for the refund of tax may be seen on reverse.

Procedure for the refund of the Pilgrim-Tax

1. Every employee coming on duty will himself/herself fill up the declaration form given as above and will deliver it to the Moharrir-in-charge of the outpost

2. The Moharrir will return it to the government employee after putting the seal of "presented" and signing it.

3. The government employee at his convenience along with the certificate of the Head of the department send it to the Executive Officer, Municipal Board, Rishikesh. The Municipal Board on its own expenditure shall remit the amount to the government employees.

4. If the government employee produces the certificate of the Head of his department/office at the time of journey, the Moharrir will put the seal "valid for payment" under his signature and return to the employee concerned. On such validated form the Board will give/send the due amount of the tax to the employee direct on presentation of the form.

FORM PILGRIM TAX-G

[*See* Rule 6(3)]

Municipal Board, Rishikesh

Book No..... Pilgrim Tax
Original Receipt No.....

Date & Time	Reg. No. of vehicle	Slip No.	No. of passengers in the vehicle	Rate	Amount Rs. P.	Signature of the Moharrir
1	2	3	4	5	6	7

FORM PILGRIM TAX-G

Coupon

Municipal Board, Rishikesh

Pilgrim Tax
Book No.....
Receipt No.....
1. Date.....
2. Reg. No. of vehicle.....
3. No. of passengers in the vehicle.....
4. Amount of tax.....
5. Signature of Inspector.

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FORM NO. PILGRIM TAX-G

Municipal Board, Rishikesh

Book No..... Pilgrim-tax Receipt No.....

Counterfoil.....

Date & time	Reg. No. of vehicle	Slip No.	No. of passengers in the vehicle	Rate	Amount Rs. P.	Signature of Moharrir
1	2	3	4	5	6	7

FORM PILGRIM TAX-H

[*See* Rule 6(2)]

Municipal Board, Rishikesh

Book No..... Slip No.....

Check Slip

Name of outpost.....

Date..... Time.....

Vehicle No..... No. of passengers.....

Signature of the in-charge of vehicle/driver/owner.

Signature of the peon

Executive Officer

Municipal Board, Rishikesh.

[102] **Karyalaya Abkari Ayukta, U.P. Allahabad, Noti. No. 984/Upa, dated March 23, 1988, published in the U.P. Gazette, Part-1(ka), dated 2nd April, 1988, pp. 1065-1068**

In exercise of the powers under Section 41 of the **U.P. Excise Act, 1910** (U.P. Act No. IV of 1910), read with Section 21 of the U.P. General Clauses Act, 1904 (U.P. Act No. 1 of 1904), and in omission of clause (*d*) of Rule 1 of the Excise Rule as substituted by Rule 2 of the U.P. Excise (First Amendment) Rules, 1984, published with notification No. 5354/licence/Anubhag—3, dated March 3, 1984 the Excise Commissioner, Uttar Pradesh, with the previous sanction of the State Government, makes the following rules with a view to regulating the grant of licence for retail sale of Bhang :

1. (1) These rules may be called the **Uttar Pradesh Settlement of Shops for Retail Sale of Bhang Rules, 1988**

(2) They shall come into force with effect from the date of their publication in the Gazette.

2. The licence for retail vend of Bhang shall be granted by the Collector in Form I.D. 14/appended to these rules.

3. The licence under Rule 2 shall be granted to such persons only as have deposited the fee mentioned in Column 2 and the security mentioned in Column 3 of the table given below.

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TABLE

Area in which shop is located	Scale of fixed fee for a year or part thereof	Security deposit in shape of fixed deposit receipt of a scheduled bank
1	2	3
	Rs.	Rs.
Urban area (except Tarai area)	50,000	10,000
Rural area	25,000	7,500
Tarai area	10,000	5,000

4. A licence under Rule 2 shall not be granted to a person—

(*a*) Who has been convicted by a criminal court of a non bailable offence ; or

(*b*) who has been a former licensee and is in arrears of Government dues or his conduct has been found unsatisfactory or has been found guilty of any serious breach of any of the conditions given in the licence ; or

(*c*) who is below the age of 18 years ; or

(*d*) who is suffering from any infectious or contagious disease.

5. The retail vendors shall be allowed to sell ghota bhang.

6. A licensee for retail sale of Bhang shall abide by the prescribed general conditions binding on all licences for retail vend of intoxicants (Paragraphs 347, 348, 349 and 351 in Chapter VI of Excise Manual Volume I) and the special conditions mentioned in the licence.

Licence for the Retail Sale of Bhang Under Fixed Fee System

Register No.

Locality

Name of licence holder

Name of Salesman

Exact description of the licenced premises (with boundaries).

North

South

East

West.

Licence for retail sale of bhang is hereby granted..... at.....in district of.....from..... .....to March 31, 19.....subject to the following special and general conditions, the infraction of any of which or a conviction for any offence under the Excise or Narcotic and psychotropic substances laws

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shall render the licensee liable to the cancellation of his licence and forfeiture of his security deposits in addition to any penalties imposed under the above laws.

1. The licensee shall pay to Government a fixed fee in advance along with a security as mentioned below, whichever is applicable for the area for which the licence is granted :

Area in which shop is located	Scale of fixed fee for a year or part thereof	Security deposit in shape of fixed deposit receipt of a scheduled bank
1	2	3
	Rs.	Rs.
Urban area (Except Tarai Area)	50,000	10,000
Rural Areas	25,000	7,500
Tarai Area	10,000	5,000

2. The licensee shall obtain his supplies of bhang only from a bonded warehouse established in his district.

3. The licensee shall provide himself with accurate scales and weights which may be prescribed by the Excise Commissioner and shall use such weights only and no other and keep the same in good condition.

4. At the entrance to the shop a signboard shall be affixed on which the name of the vendor, the designation "Licence Vendor of Bhang for the year....." shall be legibly painted.

5. The licensee is strictly prohibited from possessing or selling packets of bhang which are unsealed.

6. The licensee is allowed to sell ghota bhang at his licensed premises.

7. The licensee must personally supervise weighment of packets wrapped in paper and sealed in his presence and kept ready for sale to the public, provided that the number of such packets sold to any person at one time except under a permit granted under Rule 1003 of the U.P. Excise Manual Vol. I shall not exceed 120 gms. in total weight.

8. The licensee shall possess and sell only that bhang which has been lawfully obtained from a bonded warehouse. Admixture of bhang or doing anything with regard to it which might change its appearance, potency, quantity or weight is strictly prohibited.

9. Any portion of the stock of bhang which may be declared by any officer, duly authorised in this behalf, to be unfit for consumption shall be surrendered for destruction.

10. The licence-holder, unless exempted by an order of the Collector, shall correctly maintain a daily account in a printed register to be obtained from the Collector's Office on payment.

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The account shall be written up as soon as the transaction of each day has been closed.

11. The licensee shall, on the expiry of his licence report to the Collector, the amount of stock, if any, remaining in his possession. Such stock shall be disposed off by the Collector in accordance with the provisions contained in para 343 of the U.P. Excise Manual, Volume I.

12. The licensee is strictly forbidden from having recourse to any form of blandishment or inducement to the customers with a view to increase his sales.

13. The licensee shall not keep in his licensed shop any other intoxicating drug, liquor or narcotic substance except lawfully obtained bhang and recovery of any such drug or liquor from the licensed premises shall render the licensee liable to cancellation of his licence and forfeiture of his security deposits.

14. The licensee shall be bound to observe the prescribed general conditions binding on all licensees for retail vend of intoxicants (paragraphs 347, 348, 349 and 351 in Chapter VI of Excise Manual, Volume I).

District..... *Collector.*

Dated.....

[103] **Karyalaya Abkari Ayukta, U.P., Allahabad, Noti. No. 11281/Anubhag-3/Licence, dated March, 31, 1988 published in the U.P. Gazette, Part-1-ka, dated 16th April, 1988, pp. 1142-1143**

In exercise of the powers under Secion 41 of the **U.P. Excise Act, 1910** (U.P. Act No. IV of 1910) read with Section 21 of the Uttar Pradesh General Clauses Act, 1904 (U.P. Act No. I of 1904) and with the previous sanction of the State Government, the Excise Commissioner, Uttar Pradesh makes the following rules with a view to amending the Rules relating to vend of foreign liquor (other than denatured spirit) published with Excise Commissioner's Notification No. 9473-E/XIII—213-A, dated March 25, 1926, as amended from time to time and contained in paragraph 654 of the Excise Manual, Volume I, 1974 edition.

1. **Short title and commencement**.—(1) These rules may be called the **Uttar Pradesh Excise (Wholesale and Retail Vend of Foreign Liquor) (Fourth Amendment) Rules, 1988.**

(2) They shall come into force with effect from April 1, 1988.

2. **Substitution of Rule 10**.—In the rules relating to Vend of Foreign Liquor (other than denatured spirit) for Rule 10 contained in paragraph 654 of the Excise Manual, Vol. I, 1974 edition the following rules shall be *substituted*, namely :

"10(*a*) The fees for all sales made under a hotel or dakbungalow licence (F.L. 6) or under a restaurant or hotel bar licence (F.L. 7) or under a beer bar licence (F.L. 7-A) shall be assessed according to the following scale :

(1) Spirits, wines, liquor cordial etc. of all kind	Rs. 5,00 per reputed quart bottle.
(2) Beer stout and other fermented liquor	Rs. 0.50 per reputed quart bottle :

Provided that after taking into consideration such factors as he may consider relevant, the Excise Commissioner may after previous approval

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of the State Government vary the scale of fee hereinbefore specified by notification in the Official Gazette :

Provided further that such modification shall not be effective from a date earlier than the publication of the said notification.

(*b*) The annual assessment fees under sub-clause (*a*) shall be subject to the following minimum :

For hotel licence (F.L. 6)	Rs. 100
For Restaurant and hotel bar licence (F.L. 7)	Rs. 100
For beer bar licence (F.L. 7-A)	Rs. 100

(*c*) In addition to the assessed fees mentioned above, fees at the following rates shall be payable by the licensee in advance :

(*i*) In every Nagar Mahapalika area and in each of the Nagar Palika area of Ghaziabad, Dehradun, Saharanpur, Muzaffarnagar and Moradabad for F.L. 6 licence or F.L. 7 licence as the case may be.	A fixed fee of Rs. 50,000 per annum or part thereof.
(*ii*) In the rest of the State for F.L. 6 licence or F.L. 7 licence as the case may be.	Rs. 25,000 p.a. or part thereof.
(*iii*) For F.L. 7-A licence.	A fixed fee of Rs. 1,000 per annum or part thereof.''

[104] **English translation of Shiksha Anubhag-10, Noti. No. 6806/XV-X—86-10(1)/85, dated March 31, 1987, published in the U.P. Gazette, Extra., Part—4, Section (ka), dated 31st March, 1987, pp. 19-35**

In exercise of the powers under sub-section (1-A) of Section 50 of the **Uttar Pradesh State Universities, Act, 1973** (President's Act No. 10 of 1973), as re-enacted and amended by the Uttar Pradesh Universities (Re-enactment and Amendment) Act, 1974 (U.P. Act No. 29 of 1974) read with Section 21 of the Uttar Pradesh General Clauses Act, 1904 (U.P. Act No. 1 of 1904), the Governor is pleased to make the following Statutes with a view to amending the Rohilkhand University First Statutes, 1977 :

1. Short title and commencement.—(1) These Statutes may be called the **Rohilkhand University (Fifteenth Amendment) First Statutes, 1987.**

(2) They shall be deemed to have come into force on July 15, 1984.

2. Insertion of new Statutes 2.12 to 2.30.—After Statute 2.11 of the Rohilkhand University First Statutes, 1977 hereinafter referred to as the said Statutes, the following Statutes shall be *inserted* namely :—

''The Dean of Students Welfare

2.12. [*Section 18, 21(1) (xvii) and 49(c)*] : The Dean of Students Welfare shall be appointed, by the Executive Council on the recommendation of a committee consisting of the Vice-Chancellor and two senior-most Deans of Faculties, from amongst the teachers of the University, who possess teaching experience of not less than 10 years and who are not below the rank of a Reader.

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2.13. [*Section 11 and 49*] : The teacher who is appointed as Dean of Students Welfare shall perform his duties as Dean in addition to his own duties as a teacher.

2.14. [*Section 49*] : The term of office of the Dean of Students Welfare shall be three years unless determined earlier by the Executive Council :

Provided that the Dean of Students Welfare holding office as such on the date immediately preceding the date of commencement of the Rohilkhand University (Fifteenth Amendment) First Statutes, 1987 shall be deemed to have been appointed under Statute 2.12.

2.15. [*Section 18*] : (1) The Dean of Students Welfare shall be assisted by a set of teachers (to be selected in the manner laid down in the Ordinances), who shall perform their duties in addition to their normal duties as teachers. The teachers so selected shall be called Assistant Deans of Student's Welfare.

(2) One of the Assistant Deans of Students Welfare shall be appointed from amongst the lady teachers of the University who shall look after the welfare of the girl students.

2.16. [*Sections 18 and 49(c) and (d)*] : (1) It shall be the duty of the Dean of Students Welfare and the Assistant Deans of Students Welfare to assist generally the students in matters requiring help and guidance, and in particular, to help and advise students and prospective students in—

(*i*) obtaining admission to the University and its courses ;

(*ii*) the choice of suitable courses and hobbies ;

(*iii*) finding living accommodation ;

(*iv*) making messing arrangements ;

(*v*) obtaining medical advice and assistance ;

(*vi*) securing scholarships, stipends, part-time employments and other pecuniary assistance ;

(*vii*) obtaining travel facilities for holidays and educational excursions ;

(*viii*) securing facilities for further studies abroad ; and

(*ix*) so conducting themselves in proper pursuit of academic studies as to maintain the traditions of the University.

(2) The Dean of Students Welfare may communicate with the guardian of a student in respect of any matter requiring his assistance when necessary.

2.17. [*Section 49(c)*] : The Dean of Students Welfare shall exercise general control over the Superintendent or Assistant Superintendent of Physical Education if any and the University Medical Officer. He shall perform such other duties as may be assigned to him by the Executive Council or the Vice-Chancellor.

2.18. [*Section 13(9)*] : The Vice-Chancellor may consult the Dean of Students Welfare before taking any action against a student on disciplinary grounds.

2.19. [*Section 49(d)*] : The Dean of Students Welfare may be paid such honorarium out of the funds or the University as the Vice-Chancellor may fix with prior approval of the State Government.

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Heads of the Department

2.20. [*Section 49*] : The senior-most teacher in each department of teaching in the University shall be the Head of the Department.

The Librarian

2.21. [*Section 49*] : (1) The University may, with the prior approval of the State Government, appoint a wholetime Librarian. The Librarian shall be appointed by the Executive Council on the recommendation of a Selection Committee consisting of the following, namely :—

(*a*) The Vice-Chancellor ;

(*b*) Two experts in Library Science, to be nominated by the Chancellor.

(2) Until the Librarian appointed under clause (1) assumes charge of his office the Executive Council may appoint an Honorary Librarian from amongst the Professors of the University for such term as it thinks fit.

2.22. [*Section 49(c)*] : The qualifications of the Librarian shall be such as may be provided for in the Ordinances.

2.23. [*Section 49(c)*] : The emoluments of the Librarian shall be such as may be approved by the State Government.

2.24. [*Section 49(c)*] : It shall be the duty of the Librarian to maintain the library of the University and to organise its service in the manner most conducive to the interest of teaching and research.

2.25. [*Section 49(c)*] : The Librarian shall be under the disciplinary control of the Vice-Chancellor :

Provided that he shall have a right of appeal to the Executive Council against any order of the Vice-Chancellor passed in the disciplinary proceeding against him.

The Proctor

2.26. [*Section 18(c) and Section 49(c)*] : The Proctor shall be appointed from amongst the teachers of the University by the Executive Council on the recommendation of the Chancellor. The Proctor shall assist the Vice-Chancellor in the exercise of his disciplinary authority in respect of students of the University and shall also exercise such power and perform such duties in respect of discipline as may be assigned to him by the Vice-Chancellor in this behalf.

2.27. [*Section 49(c)*] : The Proctor shall be assisted by Assistant Proctors whose number shall be fixed by the Executive Council from time to time.

2.28. [*Section 49(c)*] : The Assistant Proctors shall be appointed by the Vice-Chancellor in consultation with the Proctor.

2.29. [*Section 49(c)* and (*e*)] : The Proctor and the Assistant Proctors shall hold office for one year and shall be eligible for re-appointment :

Provided that for so long as his successor is not appointed every Proctor or Assistant Proctors shall continue in office :

Provided further that the Executive Council may, on the recommendation of the Vice-Chancellor, remove the Proctor before the expiry of the said period :

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Provided also that the Vice-Chancellor may remove an Assistant Proctor before the expiry of the said period.

2.30. [*Section 49(c) and (e)*] : The Proctor and the Assistant Proctors may be paid such honorarium out of the funds of the University, as may be fixed by the Vice-Chancellor with the prior approval of the State Government."

3. Substitution of Statute 4.02.—For Statute 4.02 of the said Statutes, the following Statute shall be *substituted*, namely :—

"4.02. [*Section 22(1)(ix)*] : (1) Fifteen teachers who shall be members of the Court under clause (*ix*) of sub-section (1) of Section 22 shall be selected in the following manner :

(*a*) one Reader of the University ;

(*b*) one Lecturer of the University ;

(*c*) the Dean of the Students Welfare ;

(*d*) four Principals of affiliated colleges ;

(*e*) eight other teachers of affiliated colleges.

(2) The above Readers, Lecturers, Principals and other teachers shall be selected in order of seniority as Readers, Lecturers, Principals or other teachers as the case may be."

4. Substitutions of Statute 5.02.—For Statute 5.02 of the said Statutes, the following Statute shall be *substituted*, namely :—

"5.02. [*Section 25(2)(viii) and 49*] : Fifteen teachers who shall be members of the Academic Council under clause (*viii*) of sub-section (2) of Section 25 shall be selected in the following manner :—

(*a*) one Reader of the University by rotation in order of seniority ;

(*b*) two lecturers of the University by rotation in order of seniority ;

(*c*) twelve teachers of the affiliated colleges (not being Principals) by rotation in order of seniority.

Notes.—(1) Not more than one lecturer from the same faculty and not more than two teachers from the same affiliated college shall be members under this Statute.

(2) In the event of more than one lecturer of the University from the same faculty and more than two teachers of the same college being entitled to be members of the Academic Council under this Statute, seniormost lecturer and two seniormost teachers shall be, members of the Academic Council. The Lecturer and the teachers so passed over shall have their turn in rotation next time."

5. Amendment in Statute 7.01.—In Statute 7.01 of the said Statutes :—

(*i*) For item (*f*) the following item shall be ***substituted***, namely :—

"(*f*) Faculty of Life Sciences".

(*ii*) After item No. (*f*) the following item shall be ***inserted***, namely ;—

"(*g*) Education."

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6. Amendment in Statute 7.02.—In Statute 7.02 of the said Statutes in clause (1),—

(*i*) in sub-clause (*iv*) for the words "Five seniormost teachers" the words "Three senior most teachers" shall be *substituted*;

(*ii*) after sub-clause (*v*) the following sub-clause shall be *inserted*, namely :—

"(*vi*) All Professors of the University in subjects comprised in the faculty."

7. Amendment in Statute 7.08.—In Statute 7.08 of the said Statutes :—

(*i*) For item no. (20) the following item shall be *substituted*, namely :—

"(20) Applied and Regional Economics."

(*ii*) After item no. (20) the following item shall be *inserted*, namely :—

"(21) Ancient History and Culture."

8. Substitution of Statute 7.12.—For Statute 7.12 of the said Statutes the following shall be *substituted*, namely :—

"7.12. The following shall be the departments comprised in the Faculty of Life Sciences :

(1) Animal Sciences.

(2) Plant Sciences.

9. Insertion of Statute 7.12-A.—After Statute 7.12 of the said Statutes the following Statute shall be *inserted*, namely :—

"7.12-A. The following shall be the department comprised in the Faculty of Education :

(1) Education."

10. Insertion of Statutes 8.04 to 8.07.—After Statute 8.03 of the said Statutes, the following Statutes shall be *inserted*, namely :—

"Departmental Committees."

8.04. There shall be a Departmental Committee in each Department of teaching in the University to assist the Head of the Department appointed under Statute 2.20.

8.05. The Departmental Committee shall consist of :—

(*i*) The Head of the Department, who shall be the Chairman ;

(*ii*) All Professors in the Department, and if there is no Professor, then all Readers in the department ;

(*iii*) In a department which has Professors as well as Readers, then two Readers by rotation according to seniority for a period of three years ;

(*iv*) In a department which has Readers as well as Lecturers, then one Lecturer and in a department which has no Readers, then two Lecturers by rotation according to seniority for a period of three years :

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Provided that for any matter specifically concerning any subject or speciality the seniormost teachers of that subject or speciality, if not already included in the foregoing heads, shall be specially invited for that matter.

8.06. The following shall be the functions of the Departmental Committee :

(*i*) to make recommendations regarding distribution of teaching work among the teachers of the department ;

(*ii*) to make suggestions regarding co-ordination of the research and other activities in the department ;

(*iii*) to make recommendations regarding appointment of staff in the Department for which the Head of Department is the appointing authority ;

(*iv*) to consider matters of general and academic interest to the Department.

8.07. The Committee shall meet at least once in a quarter. The minutes of its meeting shall be submitted to the Vice-Chancellor."

11. Insertion of Chapter IX-A.—After Chapter IX and Statute 9.02 of the said Statutes, the following Chapter, heading and Statutes shall be *inserted*, namely :—

"CHAPTER IX-A

Classification of Teachers

9.03. [*Sections 31 and 49(d)*] : There shall be following classes of teachers of the University :—

(1) Professors ;

(2) Readers ; and

(3) Lecturers.

9.04. [*Sections 41 and 49(d)*] : Teachers of the University shall be appointed in the subjects on whole-time basis in the scales of pay approved by the State Government :

Provided that part-time lecturers may be appointed in subjects in which, in the opinion of the Academic Council such lecturers are required in the interest of teaching or for other reasons. Such part-time lecturers may receive salary ordinarily not exceeding one-half of the initial salary of the scale for the post to which they are appointed. Persons working as Research Fellows or as Research Assistants may be called upon to act as part-time lecturers.

9.05. [*Sections 31 and 49(d)*] : The Executive Council may, on the recommendations of the Academic Council appoint :—

(1) Professors of academic eminence and outstanding merit on special contract in accordance with the ordinances in that behalf.

(2) Honorary Emeritus Professors who shall :—

(*i*) deliver lectures on special subjects ;

(*ii*) guide research ;

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(*iii*) be entitled to be present in meetings of the Board of Faculty concerned and to take part in its discussions but will not have the right of vote;

(*iv*) be provided with facilities for study and research in the libraries and laboratories of University as far as possible; and

(*v*) be entitled to attend all Convocations:

Provided that a person shall not, merely by virtue of holding the post of a Professor in the Department as an Honorary Emeritus Professor, be eligible to hold any office in the University or in any Authority or Body thereof.

9.06. [*Sections 21(1)(xvii), 31 and 49(o)*]: Instructors or Teaching Research Assistants may be appointed by the Executive Council on such terms and conditions as may be provided for in the Ordinances.

9.07. [*Sections 31 and 49(o)*]: (*a*) The Principal and other teachers of affiliated colleges shall be employed on wholetime basis in the scales of pay approved by the State Government.

(*b*) Subject to the provisions of clause (*iv*) of Statute 17.02, the proportion of part-time teachers shall not at any time exceed one-fourth of the strength of full-time teaching staff in the department concerned:

Provided that where the number of teachers in a department is less than four, the appointment of one part-time teacher may be permitted by the Vice-Chancellor:

Provided further that the proportion of part-time teachers in the Law Department may be one-half of the strength of the full-time teaching staff in that Department.

9.08. [*Section 49(o)*]: No part-time teacher in an affiliated college shall hold any other office in that college."

12. Substitution of Chapter X.—For Chapter X of the said Statutes, the following Chapter shall be *substituted*, namely:—

"CHAPTER X

PART I

Qualifications and appointments of Teachers in the University

10.01. [*Section 49*]: (1) In the case of the Faculty of Arts (except the Department of Music) and the Faculties of Commerce and Science and Life Sciences the following shall be the minimum qualifications for the post of a lecturer in the University, namely:—

(*a*) a doctorate degree or research work of an equally high standard in relevant subject; and

(*b*) consistently good academic record with first or high second class Master's degree, or an equivalent degree of a Foreign University in a relevant subject.

(2) In the case of the Department of Music in the Faculty of Arts, the following shall be the minimum qualifications for the post of a Lecturer in the University, namely:—

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Either—

(*a*) consistently good academic record with first or high second class Master's degree, or an equivalent degree or diploma recognised by the University; and

(*b*) two years research or professional experience or creative work and achievement in his field of specialisation or a combined research and professional experience of three years in the field as an artist of outstanding talent.

Or—

a traditional or a professional artist with highly commendable professionable achievement in the subject concerned.

(3) In the case of the Faculty of Education, the following shall be the minimum qualifications for the post of a lecturer in the University, namely:—

Either—

(*a*) a doctorate degree in Education or research work of an equally high standard; and

(*b*) consistently good academic record with first or high second class Master's degree or an equivalent degree of a Foreign University in a relevant subject.

Or—

(*a*) a doctorate degree in any University discipline or research work of an equally high standard; and

(*b*) consistently good academic record with an M. Phil. degree in Education (which may be acquired while in service) or an equivalent degree of a Foreign University.

(4) In the case of the Faculty of Law, the minimum qualification for the post of a Lecturer in the University shall be a degree of Master of Laws with consistently good academic record.

(5) If the Selection Committee is of the view that the research work of a candidate as evident either from his thesis or from his published work is of very high standard, it may relax any of the qualifications prescribed in sub-clause (*b*) of clause (1) or sub-clause (*b*) of clause (3), as the case may be.

(6) Where in cases referred to in clauses (1) and (3) no candidate possessing doctorate degree or equivalent research work is available or is considered suitable, a person possessing a consistently good academic record (Weightage being given to M. Phil. or equivalent degree or research work of quality) may be appointed provided he has done research work for at least two years or has practical experience in a research laboratory or organisation on the condition that he obtains a doctorate or gives evidence of research work of equivalent high standard within five years of his appointment failing which he shall not be able to earn future increments until he fulfils the requirements.

(7) For the purpose of this Statute:—

(*a*) marks above the mid-point between the minimum precen-

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tage of marks fixed by the University for award of first and second divisions are said to be high second class marks;

(*b*) a candidate for lecturership in the Faculty of Education having obtained either an average of 55 per cent marks in the two examinations prior to Master's degree, that is to say Intermediate and Bachelor's degree examinations as also in the examination for B. Ed. (irrespective of marks obtained in any of the three examinations), or 50 per cent marks in each the of three examinations separately is said to have consistently good academic record;

(*c*) a candidate for lecturership in the Faculty of Law having obtained either an average of 55 per cent marks in the two examinations that is to say examination for LL.B. and examination for any other Bachelor degree (irrespective of the marks obtained in any of the two examinations), or 50 per cent marks in each of the two examinations separately, is said to have a consistently good academic record;

(*d*) a candidate (other than a candidate for lecturership in the Faculty of Education and the Faculty of Law) having obtained either an average of 55 per cent marks in the two examinations prior to Master's degree that is to say Intermediate and Bachelor's degree examination (irrespective of the marks obtained in any of the two examinations); or 50 per cent marks in each of the two examinations separately is said to have a consistently good academic record.

10.02. [*Section 49*]: (1) In the case of the Faculty of Arts (except the Department of Music), and the Faculties of Commerce, Science and Life Sciences, the following shall be the minimum qualifications for the post of:—

(*a*) a Reader in the University, namely:—

(*i*) good academic record with a doctorate degree or equivalent published work and active enagement in research or innovation in teaching methods or production of teaching materials; and

(*ii*) five years experience of teaching or research including at least three years as Lecturer or in an equivalent position:

Provided that the requirement contained in sub-clause (*ii*) may be relaxed in the case of a candidate who, in the opinion of the Selection Committee, has outstanding research work to his credit.

(*b*) a Professor in the University, namely:—

Either—

Eminent scholarship with published work of high quality and active engagement in research and ten years experience of teaching or research and experience of guiding research at doctorate level.

Or—

Outstanding scholarship with established reputation for significant contribution to knowledge.

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(2) In the case of the Department of Music in the Faculty of Arts, the following shall be the minimum qualifications for the post of a Reader in the University, namely :—

(*a*) Either

(*i*) consistently good academic record with first or high second class Master's degree, or an equivalent degree or diploma recognised by the University ; and

(*ii*) two years research or professional experience or creative work and achievement in his field of specialisation or a combined research and professional experience of three years in the field as an artist of outstanding talent.

Or—

a traditional or professional artist with highly commendable professionable achievement in the subject concerned ; and

(*b*) five years teaching experience of Degree or post-graduate class in the subject.

10.03. [*Section 49*] : No selection of a teacher made between Aug. 1, 1975 and October 20, 1975 on the basis of the U.P. State Universities First Statutes (Age of Superannuation, Scales of Pay and Qualification of Teachers, 1975, referred to in clause (2) of Statute 1.02 as they stood before their amendment by notification No. 7251/XV-10—75-60(115)-73, dated October 20, 1975, shall be affected by these Statutes.

10.04. The advertisement of vacancy referred to in Section 31(10) shall ordinarily allow at least three weeks time, from the date of issue of newspapers in which the advertisement is published to the candidates to apply for the vacancy.

10.05. (1) Meetings of the Selection Committee for appointment of teachers in the University shall be convened under the orders of the Vice-Chancellor.

(2) The Selection Committee shall not consider the name of a person for appointment as teacher of the University unless he applies for it :

Provided that in the case of appointment of a Professor the Committee may with the approval of the Vice-Chancellor, consider the names of persons who have not applied.

(3) A member of the Selection Committee shall withdraw, from a meeting of the Committee or of the Executive Council as the case may be, if the question of appointment of any of the relatives as defined in the explanation to Section 20 of such member is being or is likely to be considered at such meeting.

10.06. [*Sections 30 and 31*] : (1) If the Selection Committee recommends more than one candidate for appointment, it may in its discretion arrange their names in order of preference. Where the Committee decides to arrange the names in order of preference, it shall be deemed to have signified that in the event of the first being not available, the second may be appointed, and in the event of the second also being not available, the third may be appointed, and so on.

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(2) The Selection Committee may recommend that no suitable candidate is available for appointment. In such a case, the post shall be re-advertised.

10.07. [*Section 49(o)*] : The recommendations of the Selection Committee and proceedings of the Executive Council pertaining thereto shall be treated as strictly confidential.

10.08. [*Sections 21(1)(xvii), 31 and 49(d)*] : If the work and conduct of a teacher appointed under Section 31(2)—

(*i*) is considered satisfactory the Executive Council may at the end of period of probation (including the extended period, if any) confirm the teacher ;

(*ii*) is not considered satisfactory, the Executive Council may terminate the services of the teacher in accordance with the provisions of Section 31 during or on the expiry of the period of probation (including the extended period, if any).

10.09. [*Sections 31 and 49(d)*] : The Selection Committee shall meet at the Headquarters of the University.

10.10. [*Sections 31 and 49(d)*] : Members of the Selection Committee shall be given not less than fifteen days notice of the meeting reckoned from the date of despatch of such notice. The notice shall be served either personally or by registered post.

10.11. [*Sections 31 and 49(d)*] : At least fifteen days notice reckoned from the date of despatch shall be given to the candidates prior to the meeting of the Selection Committee. The notice shall be served either personally or by registered post.

10.12. [*Section 49(b)*] : The travelling and daily allowances of the members, of the Selection Committee shall be paid by the University at the rates prescribed by Ordinances.

10.13. In every special circumstance and on the recommendation of the Selection Committee, the Executive Council may allow, up to five advance increments, at the time of initial appointment, to such teachers as possess exceptionally high academic attainment and experience.

If in any case it is necessary to give more than five advance increments, prior approval of the State Government shall be obtained before making the appointment.

PART II

Qualifications and appointment of Teachers in the affiliated colleges

10.14. (1) In the case of any college affiliated to the University, the following shall be the minimum qualifications for the post of a Lecturer in the Faculty of Arts (except the Department of Music), the Faculty of Commerce, the Faculty of Agriculture, the Faculty of Life Sciences and the Faculty of Science, namely—

(*a*) an M. Phil. degree or a recognised degree beyond the Masters level or published work indicating the capacity of the candidate for independent research work ; and

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(*b*) consistently good academic record with at least first or high second class Master's degree or an equivalent degree of a Foreign University, in a relevant subject.

(2) In the case of any college affiliated to the University the following shall be the minimum qualifications for the post of Lecturer in the Faculty of Education :—

(*a*) an M. Phil. degree or a recognised degree beyond the Master's level or published work indicating the capacity of the candidate for independent research work ; and

(*b*) a consistently good academic record with at least first or high second class Master's degree in Education and also Master's degree or an equivalent degree of a Foreign University, in a relevant subject.

(3) In the case of any college affiliated to the University, the following shall be the minimum qualifications for the post of a Lecturer in the Department of Music in the Faculty of Arts, namely—

Either—

(*a*) consistently good academic record with first or high second class Master's degree or an equivalent degree or diploma recognised by the University, in a relevant subject ; and

(*b*) two years research or professional experience or evidence of creative work and achievement in his field of specialisation or a combined research and professional experience of three years in the field as an artist of outstanding talent.

Or—

A traditional or a professional artist with highly recommendable professionable achievement in the subject concerned.

(4) In the case of any college affiliated to the University the minimum qualifications for the post of a Lecturer in the Faculty of Law shall be a degree in Master of Laws with consistently good academic record.

(5) If the Selection Committee is of the view that the research work of a candidate as evident either from his thesis or from his published work is of a very high standard, it may relax any of the qualifications prescribed in sub-clause (*b*) of clause (1), or sub-clause (*b*) of clause (2), as the case may be.

(6) Where no candidate possessing the qualification prescribed in sub-clause (*a*) of clause (1) or sub-clause (*a*) of clause (2) is available or considered suitable the college, on the recommendation of the Selection Committee, may appoint a person possessing a consistently good academic record on the condition that he obtains such qualifications within five years of his appointment, failing which he shall not be able to earn future increments until he fulfils the requirements.

(7) For the purpose of this Statute :—

(*a*) the expression "high second class marks" shall have the same meaning as given to in sub-clause (*a*) of clause (7) of Statute 10.01 ;

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(*b*) the expression "consistently good academic record" in relating to the Faculty of Education or Faculty of Law or other faculties shall have the same meaning as given to it in sub-clause (*b*) or sub-clause (*c*) or sub-clause (*d*) of clause (7) of Statute 10.01, as the case may be.

(8) Where a confirmed teacher of an affiliated college having at least five years teaching experience who fulfilled the qualifications prescribed in the Statutes or Ordinance of the University at the time of his initial appointment to the post of Lecturer in that college, is a candidate for the post of a Lecturer in any other affiliated college, or is after retrenchment from the college where he served, candidate for the post of Lecturer in the same or any other affiliated College the qualifications laid down in this Statute shall not be insisted upon in this respect.

10.15. In case of any college affiliated to the University the following shall be the minimum qualifications for the post of Principal:

(1) Degree College—

(*a*) a consistently good academic record (that is to say, the overall record of all assessment throughout the academic career of a candidate) with first or high second class (that is to say, with an aggregate of more than 54 per cent marks) Master's degree or an equivalent degree of Foreign University in one of the subjects taught in the college or in a subject allied or inter-connected therewith; and

(*b*) a doctorate degree in one of the subjects taught in the college, with seven years experience of teaching degree classes:

Provided that if a candidate possesses 12 years or more experience of teaching degree classes or seven years or more experience of teaching post-graudate classes or if he is or has been a confirmed Principal of four years or more standing of any degree college, the Selection Committee may relax the requirement of doctorate degree:

Provided further that if the Selection Committee is of the view that the research work of a candidate as evident either from his thesis or from his published work is of a very high standard it may relax any of the qualifications prescribed in sub-clause (*a*).

(2) Post-graduate College:

(*a*) a consistently good academic record (that is to say the overall record of all assessments throughout the academic career of a candidate) with first or high second class (that is to say, with an aggregate of more than 54 per cent marks) Master's degree or an equivalent degree of a Foreign University in one of the subjects taught in the college or in a subject allied or inter-connected therewith; and

(*b*) a doctorate degree in one of the subjects taught in the college, with seven years experience of teaching post-

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graduate classes or five years experience of Principalship of a degree college :

Provided that if a candidate possesses ten years experience of teaching post-graduate classes or twenty years of more experience of teaching degree classes or seven years experience of Principalship of a degree college or if he is or has been confirmed Principal of five years or more standing of any post-graduate college, the Selection Committee may relax the requirement of docorate degree :

Provided further that if the Selection Committee is of the view that the research work of a candidate as evident either from the thesis or from his published work is of a very high standard it may relax any of the qualifications prescribed in sub-clause (*a*).

10.16. [*Sections 31 and 49(o)*] : The provisions of Statutes 10.03 to 10.11 (excepting Statute 10.08) shall *mutatis mutandis* apply in case of appointment of Principals and teachers of affiliated colleges as they apply to the teachers of the University.

10.17. The travelling and daily allowances of the members of the Selection Committee for the appointment of Principals and teachers of affiliated colleges shall be borne by the college concerned."

13. Insertion of Chapter XIV-A.—After Chapter XIV of the said Statutes the following Chapter shall be *inserted*, namely :—

"CHAPTER XIV-A

PART I

Conditions of Service of Teachers of University

14.01-A. [*Section 49(d)*] : Except in the case of an appointment referred to in Statute 9.03(1) or appointment under Section 31(3) in a vacancy caused by the grant of leave to a teacher for a period not exceeding 10 months or of an appointment under Section 13(6), teachers of the University shall be appointed on a written contract in the form set out in Appendix 'BB'.

14.02-A. [*Section 49(d)*] : A teacher of the University shall at all times maintain absolute integrity and devotion to duty and shall observe the Code of Conduct as set out in Appendix C, which shall form part of the agreement to be signed by the teacher at the time of appointment.

14.03-A. [*Section 49(d)*] : A breach of any of the provisions of the Code of Conduct as set out in Appendix C shall be deemed to be a misconduct within the meaning of Statute 14.04-A.

14.04-A. [*Section 49(d)*] : (1) A teacher of the University may be dismissed or removed or his services terminated on one or more of the following grounds—

(*a*) wilful neglect of duty ;

(*b*) misconduct ;

(*c*) breach of any of the terms of contract of service ;

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(*d*) dishonesty connected with the University examinations ;

(*e*) scandalous conduct or conviction for an offence involving moral turpitude ;

(*f*) physical or mental unfitness ;

(*g*) incompetence ;

(*h*) abolition of the post.

(2) Except as provided by Section 31(2), not less than three months notice (or where notice is given after the month of October then three months notice or notice ending with the close of the session, whichever is longer) shall be given on either side for terminating the contract or in lieu of such notice, salary for three months (or such longer period as aforesaid) shall be paid or refunded as the case may be :

Provided that [where the University dismisses or removes or terminates the services of a teacher of the University under clause (1)], or when the teacher, terminates the contract for breach of any of its terms by the University, no such notice shall be necessary :

Provided further that the parties will be free to waive the condition of notice in whole or in part by mutual agreement.

14.05-A. [*Sections 32(2) and 49(d)*] : The original contract of appointment referred to in Section 32 shall be lodged with the Registrar for registration within three months of the date of appointment.

14.06-A. [*Sections 21(1)(xvii) and 49(d)*] : (1) No order dismissing, removing or terminating the services of a teacher of the University on any ground mentioned in clause (1) of Statute 14.04-A (except in the case of a conviction for an offence involving moral turpitude or of abolition of post), shall be passed unless a charge has been framed against the teacher and communicated to him with a statement of the ground on which it is proposed to take action and he has been given adequate opportunity :—

(*i*) of submitting a written statement of his defence ;

(*ii*) of being heard in person, if he so desires ; and

(*iii*) of calling and examining such witnesses in his defence as he may desire :

Provided that the Executive Council or an officer authorised by it to conduct the enquiry may, for sufficient reasons to be recorded in writing refuse to call any witness.

(2) The Executive Council may be, at any time ordinarily within two months from the date of the Inquiry Officer's report, pass a resolution dismissing or removing the teacher concerned from service or terminating his services mentioning the grounds of such dismissal, removal or termination.

(3) The resolution shall forthwith be communicated to the teacher concerned.

(4) The Executive Council may, instead of dismissing, removing or terminating the services of the teacher, pass a resolution inflicting one or more of the lesser punishments, namely, reducing the pay of the

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teacher for a specified period not exceeding three years, stopping increments of his salary for a specified period and depriving the teacher of his pay (but not the subsistence allowance) during the period of his suspension, if any.

14.07.A. [*Sections 21(1)(xvii) and 49(d)*] : (1) The Disciplinary Committee referred to in Statute 8.01 may recommend the suspension of a teacher during the pendency or in contemplation of an inquiry into charges against him, on the grounds mentioned in sub-clauses (*a*) to (*e*) of clause (1) of Statutes 14.04-A. The order of suspension if passed in contemplation of an inquiry shall cease to be in operation of the expiry of four weeks unless the teacher has in the meantime been communicated the charge or charges on which the inquiry was contemplated.

(2) A teacher of the University shall be deemed to have been placed under suspension—

(*a*) with effect from the date of his conviction, if in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding 48 hours and is not forthwith dismissed or removed consequent to such conviction :

(*b*) in any other case, for the duration of his detention if he is detained in custody, whether the detention is for any criminal charge or otherwise.

Explanation.—The period of 48 hours referred to in sub-clause (*a*) of this clause, shall be computed from the commencement of the imprisonment after the conviction and for this purpose, intermittent periods of imprisonment, if any, shall be taken into account.

(3) Where the order of dismissal or removal from service of a teacher of the University is set aside or declared or rendered void in consequence of any proceedings under the Act or these Statutes or otherwise, and the appropriate officer, authority or body of the University decides to hold a further inquiry against him, then if the teacher was under suspension immediately before such dismissal or removal, the suspension order shall be deemed to have continued in force on and from the date of the original order of dismissal or removal.

(4) During the period of his suspension, the teacher of the University shall be entitled to get subsistence allowance in accordance with the provisions of Chapter VIII of Part II of the U.P. Government's Financial Hand Book, Volume II (as amended from time to time) which shall ***mutatis mutandis*** apply.

14.08-A. [*Sections 21(1)(xvii) and 49(d)*] : In computing the maximum period for purposes of clause (2) of Statute 14.06-A or clause (1) of Statute 14.07-A, the period during which a stay order from any court of law is in operation, shall be excluded.

14.09-A. [*Section 34(1)*] : (1) No teacher of the University shall be paid any remuneration for any duty connected with the examination conducted by that University.

(2) Subject to the provisions of clause (1), no teacher of the University shall draw in any calendar year a total remuneration exceeding the average of his two months' salary in the particular

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calendar year or rupees three thousand, whichever is less for any duties performed in connection with any examination referred to in Section 34(1).

14.10-A. [*Section 49(d)*] : Notwithstanding anything contained in these Statutes :

(*i*) a teacher of the University who is a Member of Parliament or State Legislature shall not, throughout the term of his membership, hold any administrative or remunerative office in the University ;

(*ii*) if a teacher of the University is holding any administrative or remunerative office in the University from before the date of his election or nomination as a Member of Parliament or the State Legislature, then he shall cease to hold such office with effect from the date of such election or nomination or with effect from the commencement of these Statutes, whichever is later ;

(*iii*) a teacher of the University who is elected, or nominated to Parliament or the State Legislature, shall not be required to resign or to take leave from the University for the duration of his membership or, except as provided by Statute 14.11-A for attending the meeting of any House or Committee thereof.

Explanation.—The membership of any authority or body of the University or the Deanship of a Faculty or the Principalship of any college shall not be deemed to be an administrative or remunerative office for the purpose of this Statute.

14.11-A. The Executive Council shall fix a minimum number of days during which such teacher shall be available in the University for his academic duties :

Provided that where a teacher of the University is not so available because of the sessions of the Parliament or the State Legislature he shall be treated on such leave, as may be due to him, and if no leave is due, then on leave without pay.

PART II

Leave Rules for Teachers of the University

14.12-A. [*Section 49(d)*] : Leave shall be of the following categories :

(*a*) casual leave ;

(*b*) privilege leave ;

(*c*) sick leave ;

(*d*) duty leave ;

(*e*) long-term leave ;

(*f*) extraordinary leave ;

(*g*) maternity leave.

14.13-A. [*Section 49(d)*] : Casual leave shall be on full pay for not more than seven days in a month or 14 days in a session and shall not accumulate. It will not ordinarily be combined with holidays, but in special circumstances the Vice-Chancellor may waive this condition for reasons to be recorded in writing.

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14.14-A. [*Section 49(d)*] : Privilege leave shall be on full pay for ten working days in a session and may accumulate up to 60 working days.

14.15-A [*Section 49(d)*] : Sick leave shall be on the difference between the current rate of pay and the total cost of the leave arrangements if any, with a minimum of half pay, for one month in a session and shall not accumulate.

14.16-A. [*Section 49(d)*] : Duty leave up to 15 working days shall be on full pay for attending meetings of any of the University bodies, *ad hoc* committees and conferences of which a teacher may be *ex-officio* member or to which he may have been nominated by the University and for conducting examinations of the University.

14.17-A. [*Section 49(d)*] : Long-term leave, which shall be on half pay for one month in a session, and may accumulate up to twelve months, may be granted for reasons such as prolonged illness, urgent affairs, approved studies or preparatory to retirement :

Provided that such leave can be granted only after five years of continuous service except in the case of prolonged illness :

Provided further that in case of prolonged illness, the leave may, at the discretion of the Executive Council, be on full pay for a period not exceeding six months :

Provided also that such teachers as are selected for "Teachers Fellowship" by the University Grants Commission or for training or study in a foreign country under any other scheme sponsored by the Commission, may be granted leave on full pay for the duration of such fellowship, training or study on such terms and conditions as may be specified by the State Government.

14.18-A. [*Section 49(d)*] : Extraordinary leave shall be without pay. It may be granted for such reasons as the Executive Council may deem fit, but it shall never be granted for a period exceeding three years, except in the circumstances mentioned in Statute 14.10-A :

Explanation 1. Teacher who holds a permanent post or who being permanent on a lower post has been officiating on a higher post for more than three years, shall subject to the concurrence of the State Government, be entitled to count the period of extraordinary leave sanctioned for undertaking higher scientific and technical studies towards his increment in the time scale.

Explanation 2. Subject to the concurrence of the State Government a teacher who holds a temporary post and has been sanctioned such leave shall, on return from such leave be entitled to get his pay fixed in accordance with Fundamental Rule 27 of the Financial Hand Book, Volume II, Parts II to IV at such stage in the time scale as he would have got had he not proceeded on such leave provided that the study for which such leave was sanctioned was in the public interest.

14.19-A. [*Section 49(d)*] : Maternity leave on full pay may be granted to female teachers for a period which may extend up to three months from the date of its commencement or to six weeks from the date of confinement, whichever is earlier :

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Provided that such leave shall not be granted for more than three times in the entire service of the teacher.

14.20-A. [*Section 49(d)*] : Leave cannot be claimed as a matter of right. If the exigencies of the occasion demand, the sanctioning authority may refuse leave of any kind and may even cancel the leave already granted.

14.21-A. [*Section 49(d)*] : Sick leave or long-term leave on account of prolonged illness can be granted on the production of a medical certificate from a Registered Medical Practitioner. In case of such leave exceeding 14 days the Vice-Chancellor shall be competent to call for a second certificate of a Registered Medical Practitioner approved by him.

14.22-A. [*Section 49(d)*] : The authority competent to grant leave will be the Vice-Chancellor except in the case of long-term leave and extraordinary leave, which will be granted by the Executive Council.

Part III

Age of Superannuation

14.23-A. [*Section 49(d)*] : In this part, the expression 'new scale of pay' means the scale of pay admissible to a teacher in accordance with the G.O. No. Shiksha XI-9045/XV-(7)-73, dated December 28, 1974, as amended from time to time.

14-24-A. [*Section 49*] : (1) The age of superannuation of a teacher of the University governed by the new scale of pay or not shall be sixty years.

(2) No extension in service beyond the age of superannuation shall be granted to any teacher after the date of commencement of these Statutes :

Provided that if the date of superannuation of a teacher does not fall on June 30, the teacher shall continue in service till the end of the academic session i.e. June 30, following and he will be treated as on re-employment from the date immediately following the date of his superannuation till June 30, following.

14.25-A. [*Section 49(d)*] : Every teacher of the University who on August 1, 1975 was serving on extension beyond the age of superannuation specified in Statute 14.24-A and such extension was granted before the said date, shall retire on the expiry of the period of extension in accordance with the provisions of the Statutes and Ordinances in force on the said date, but such teacher shall not be entitled to avail the new scales of pay.

14.26-A. [*Section 49*] : The date of superannuation of a teacher of the University shall, subject to the provisions of Statute 14.24-A be the date immediately preceding the 60th birthday of such teacher.

Part IV

Other Provisions

14.27-A. [*Sections 32 and 49*] : Any contract of appointment between a teacher and University entered into before the commencement of these Statutes shall be subject to the provisions of the Statutes

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contained in this Chapter, and shall be deemed to be modified in accordance with the provisions of this Chapter and in accordance with the terms contained in the form set out in Appendix 'B' read with Appendix 'C'.

14.28-A. [*Section 49(d)*] : A teacher of the University dismissed on any of the grounds mentioned in clause (*b*), clause (*c*) clause (*d*) or clause (*e*) of the Statute 14.04-A(1) shall not be re-employed in any University or in any college affiliated or associated with any such University in any capacity.

14.29-A. [*Section 49*] : (1) Every teacher of the University shall prepare in duplicate his Annual Academic Progress Report in Form 3 of Appendix C. The Original report shall be lodged with the Vice-Chancellor and the copy thereof shall be retained by the teacher himself.

(2) The original Report shall, before being lodged with the Vice-Chancellor be countersigned in the case of teachers other than the Head of a Department by the Head of the Department concerned.

(3) The report in respect of an academic session shall be lodged by the end of July following the said session or within one month from the close of the session whichever is later.

14.30-A. [*Section 49*] : Every teacher of the University shall be bound to comply with the directions of the officers and authorities of the University in connection with the examinations conducted by the University.

14.31-A. [*Section 49*] : Where under the provisions of the Act or these Statutes or the ordinances, a teacher is required to be served with any notice and such teacher is not in station, the notice may be sent to him by registered post at his last known address.

14. Insertion of Chapter XV-A.—After Chapter XV of the said Statutes, the following Chapter XV-A shall be *inserted*, namely—

"CHAPTER XV-A

PART I

Seniority of the Teachers of University

15.01-A. [*Section 49(d)*] : The Statutes contained in this Chapter shall not affect the *inter se* seniority of teachers employed in the University before the commencement of these Statutes.

15.02-A. [*Section 49(d)*] : It shall be the duty of the Registrar to prepare and maintain, in respect of each category of teachers of the University, a complete and up to date seniority list in accordance with the provisions hereinafter appearing.

15.03-A. [*Section 49(d)*] : The seniority among Deans of the Faculties shall be determined by the length of total period of service they have put in as Deans of the Faculties :

Provided that when two or more Deans have held the said office for equal length of time, the Dean who is senior in age shall be considered to be senior for the purposes of this Chapter.

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15.04-A. [*Section 49(d)*] : The seniority among Heads of Departments shall be determined by the length of the total period of service they have put in as Head of Department :

Provided that when two or more Heads of Department have held the said office for equal length of time, the Head of Department who is senior in age shall be considered to be senior for the purposes of this Chapter.

15.05-A. [*Section 49(d)*] : The following rules shall be followed in determining the seniority of teachers of the University :

(*a*) A Professor shall be deemed senior to every Reader, and a Reader shall be deemed senior to every Lecturer.

(*b*) In the same cadre seniority of teacher shall be determined according to the length of his continuous service in a substantive capacity in such cadre :

Provided that where more than one appointments to post in a cadre have been made at the same time, and an order of preference or merit was indicated by the Selection Committee or by the Executive Council as the case may be, the seniority of the persons so appointed shall be governed by the order so indicated.

(*c*) When any teacher holding substantive post in any University (other than the University of Rohilkhand) or in any constituent college or in any Institute whether in the State of Uttar Pradesh or outside Uttar Pradesh, is appointed whether before or after August 1, 1981, to a post of corresponding rank or grade in the University, the period of service rendered by such teacher in that grade or rank in such University shall be added to his length of service.

(*d*) When any teacher holding substantive post in any college affiliated to or associated with any University is appointed whether before or after the commencement of the Rohilkhand University (Fifteenth Amendment) First Statutes, 1987 as a Lecturer in the University, then one-half of the period of substantive service rendered by such teacher in such college shall be added to his length of service.

(*e*) Service against an administrative appointment in any University or institution shall not count for the purposes of seniority.

Explanation.—In this Chapter the expression, 'administrative appointment' means an appointment made under sub-section (6) of Section 13.

(*f*) Continuous service in a temporary post to which a teacher is appointed after reference to a Selection Committee, if followed by his appointment in a substantive capacity to that post under Section 31(3)(*b*) shall count towards seniority.

15.06-A. [*Section 49(d)*] : Where more than one teacher are entitled to count the same length of continuous service in the cadre to which they belong, the relative seniority of such teachers shall be determined as below :

(*i*) in the case of Professors, the length of substantive service as Reader shall be taken into consideration ;

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(*ii*) in the case of Readers, the length of substantive service as Lecturer shall be taken into consideration;

(*iii*) in the case of Professors whose length of service as Reader is also identical, the length of service as lecturer shall be taken into consideration.

15.07-A. [*Section 49(d)*]: Where more than one teacher are entitled to count the same length of continuous service and their relative seniority cannot be determined in accordance with any of the foregoing provisions, then the seniority of such teacher shall be determined on the basis seniority in age.

15.08-A. [*Section 49(d)*]: (1) Notwithstanding anything contained in any other Statute, if the Executive Council—

(*a*) agrees with the recommendation of the Selection Committee and approves two or more persons for appointment as teachers in the same Department, it shall, while recording such approval, determine the order of merit of such teachers;

(*b*) does not agree with the recommendations of the Selection Committee and refers the matter to the Chancellor under Section 31(8)(*a*), the Chancellor shall, in cases where appointment of two or more teachers in the same Department is involved, determine the order of merit of such teachers at the time of deciding such reference.

(2) The order of merit in which two or more teachers are placed under clause (1), shall be communicated to the teachers concerned before their appointment.

15.09-A. [*Sections 19(1) and 49(d)*]: (1) The Vice-Chancellor shall from time to time constitute one or more seniority committees consisting of himself as Chairman and two Deans of Faculties to be nominated by the Chancellor:

Provided that the Dean of the Faculty to which the teacher (whose seniority is in dispute), belong shall not be a member of the relative Seniority Committee.

(2) Every dispute about the seniority of a teacher of the University shall be referred to the Seniority Committee which shall decide the same giving reasons for the decision.

(3) Any teacher aggrieved by the decision of the Seniority Committee may prefer an appeal to the Executive Council within sixty days from the date of communication of such decision, to the teacher concerned. If the Executive Council disagrees with the Committee, it shall give reasons for such disagreement.

APPENDIX 'BB'

(*See* Statute 14.01-A)

Form of Agreement with Members of Teaching Staff of the University

Agreement made this.....day of.....19..... between Sri/Smt./Km./.....of the first part and the University of.....(hereinafter called 'the University') of the other part:

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It is hereby agreed as follows :

1. That the University hereby appoint Shri/Smt./Km..... .....the party of the first part, to be a teacher of the University with effect from the date the party of the first part (hereinafter called the teacher) takes charge of the duties of his/her office, and the teacher hereby accepts the engagement, and undertakes to take such part, and perform such duties in the University as may be required of him/her, including the management and protection of the University property or funds, the organization of instruction, the teaching formal or informal and the examination of students, the maintenance of discipline and the promotion of students welfare in connection with any curricular or residential activities and perform such extra curricular duties of the University as may be entrusted to him/her and to submit himself/herself to the officers under whom he/she is for the time being placed by the authorities of the University and shall abide by and conform to the Code of Conduct for teachers laid down by the University as amended from time to time :

Provided that the teacher shall be on probation for a period of one year in the first instance and the Executive Council may in its discretion extend the period of probation by one year.

2. That, the teacher shall retire in accordance with the provisions of the Statutes of the University.

3. The scale of pay attached to the post of teacher to which the teacher is appointed shall be.....The party of the first part shall from the date he/she takes charge of his/her said duties be granted pay at the rate of Rs.....per mensem in the aforesaid scale and shall receive pay in the succeeding stages in the scale unless the annual increment is withheld in pursuance of the provisions of the Statutes :

Provided that where an efficiency bar is prescribed in the time scale, the increment next above the bar shall not be given to the teacher without the specific sanction of the authority empowered to withhold increment.

4. That the teacher shall obey, and to the best of his/her ability carry out the lawful directions of any officer, authority or body of the University, to whose authority he/she may, while this agreement is in force, is subject under the provisions of the said Act, or under any Statutes, Ordinances or Regulations made thereunder.

5. That the teacher hereby undertakes to abide by and conform to the Code of Conduct laid down for the teachers, by the University, as amended from time to time.

6. That on the termination of this agreement for whatever cause, the teacher shall deliver to the University all books, apparatus, record and other articles belonging to the University that may be in his possession.

7. In all matters, the mutual rights and obligations of the parties hereto shall be governed by the Statutes and Ordinances of the University, for the time being in force, which shall be deemed to be incorporated herein, and shall be as such or part of this agreement as if they are reproduced herein, and by the provisions of Uttar Pradesh State Universities Act, 1973.

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In witness whereof the parties hereto affix their hands and seal on the day and year first above written.

.....
Signature of the Teacher

.....
Signature of the Finance Officer representing the University.

Witnesses :

1. .....
2. .....

[105] **English translation of Pariwahan Anubhag-4, Noti. No. 5094-T/XXX-4—12-P-80, dated November 13, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 16th November, 1987, pp. 7-13**

In exercise of the powers under sub-sections (1) and (2) of Section 44 of the **Motor Vehicles Act, 1939** (Act No. IV of 1939) read with Section 21 of the General Clause Act, 1897 (Act No. X of 1897) and clause (*e*) of Rule 44 of the U.P. Motor Vehicles Rules, 1940 and in supersession of Government Notification No. 2519-T/XXX-4—86—12-P-80, dated September 30, 1986, the Governor is pleased to constitute with immediate effect, the Regional Transport Authorities mentioned in column 2, to exercise and discharge the powers and functions throughout their respective regions, mentioned against each in column 4 comprising areas mentioned in column 5 of the Schedule below :

SCHEDULE

Sl. No.	Name of Regional Transport Authority	Member of Regional Transport Authority	Name of Region	Area
1	2	3	4	5
1	Regional Transport Authority, Agra	1. Commissioner Agra Division, Agra—*Chairman* 2. Deputy Transport Commissioner, Agra Zone, Agra—*Member* 3. Deputy Inspector-General of Police, Agra Zone, Agra—*Member* 4. Seniormost Superintending Engineer, P.W.D., Agra—*Member* 5. District Magistrate, Agra—*Member* 6. Sri Rajendra Singh, M.L.A., Patiyali—*Member* 7. Sri Bahadur Singh, M.L.A., Khairagarh—*Member* 8. Sri Ram Singh, M.L.A., Kishani—*Member* 9. Sri Pradeep Mathur, M.L.A., Mathura—*Member* 10. Sri Tilak Singh, M.L.A., Gangori—*Member*	Agra	Aligarh, Etah, Mathura, Agra and Mainpuri districts.

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1	2	3	4	5
2	Regional Transport Authority, Allahabad	1. Commissioner, Allahabad Division, Allahabad—*Chairman* 2. Deputy Transport Commissioner, Kanpur Zone, Kanpur—*Member* 3. Deputy Inspector-General of Police, Kanpur Zone, Kanpur—*Member* 4. Seniormost Superintending Engineer, P.W.D., Allahabad—*Member* 5. District Magistrate, Allahabad—*Member* 6. Sri Rama Kant Mishra, M.L.A., Bara—*Member* 7. Sri Ishwar Saran Vidyarthi, M.L.A., Manjhanpur—*Member* 8. Sri Purshottam Lal, M.L.A., Sirathu—*Member* 9. Sri Lal Pratap Singh, M.L.A., Pratapgarh—*Member* 10. Sri Ram Raj Shukla, M.L.A., Veerapur—*Member*	Allahabad	Allahabad and Pratapgarh, districts.
3	Regional Transport Authority, Gorakhpur	1. Commissioner, Gorakhpur Division, Gorakhpur—*Chairman* 2. Deputy Transport Commissioner, Varanasi Zone, Varanasi—*Member* 3. Deputy Inspector-General of Police, Gorakhpur Zone, Gorakhpur—*Member* 4. Seniormost Superintending Engineer, P.W.D., Gorakhpur—*Member* 5. District Magistrate, Gorakhpur—*Member* 6. Sri Ambika Singh, M.L.A., Kaptanganj—*Member* 7. Sri Afsar U. Ahmad, M.L.A., Menhdawal—*Member*	Gorakhpur	Gorakhpur, Basti, Deoria, and Azamgarh districts.

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1	2	3	4	5
		8. Sri Kailash Prasad, M.L.A., Bansgaon—*Member* 9. Sri Bhikha Ram, M.L.A., Saraymeer—*Member* 10. Sri Audesh Pratap Mall, M.L.A., Salempur—*Member*		
4	Regional Transport Authority	1. Commissioner, Lucknow Division, Lucknow—*Chairman* 2. Deputy Transport Commissioner, Lucknow Zone, Lucknow—*Member* 3. Deputy Inspector-General of Police, Lucknow Zone, Lucknow—*Member* 4. Seniormost Superintending Engineer, P.W.D., Lucknow—*Member* 5. District Magistrate, Lucknow—*Member* 6. Srimati Kanti Bisain, M.L.A., Lakhimpur—*Member* 7. Chaudhari Paragi Lal, M.L.A., Hargaon—*Member* 8. Sri Bhagwati Singh, Bisharad, M.L.A., Bhagwantnagar—*Member* 9. Kumari Krishna Rawat, M.L.A., Malihabad—*Member* 10. Sri Mohmmad Hazi Vaseem, M.L.A., Tiloi—*Member*	Lucknow	Lucknow, Unnao, Hardoi, Sitapur, Lakhimpur-Kheri and Rae Bareli districts.
5	Regional Transport Authority, Dehra Dun	1. Commissioner, Garhwal Division, Pauri—*Chairman* 2. Deputy Transport Commissioner, Garhwal Zone, Pauri—*Member* 3. Deputy Inspector-General of Police, Pauri Zone, Pauri—*Member*	Dehra Dun	Dehra Dun, Saharanpur, Tehri-Garhwal and Uttar Kashi districts.

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1	2	3	4	5
		4. Seniormost Superintending Engineer, P.W.D., Dehra Dun—*Member* 5. District Magistrate, Dehra Dun—*Member* 6. Sri Chaman Lal Chaman, M.L.A., Nagal—*Member* 7. Sri Mahabeer Singh Rana, M.L.A., Haridwar—*Member* 8. Sri Shoorveer Singh Sajwan, M.L.A., Devprayag—*Member* 9. Sri Heera Singh Bist, M.L.A., Dehra Dun—*Member* 10. Sri Kishori Lal, M.L.A., Mussoorie—*Member*		
6	Regional Transport Authority, Jhansi	1. Commissioner Jhansi Division, Jhansi—*Chairman* 2. Deputy Transport Commissioner, Kanpur Zone, Kanpur—*Member* 3. Deputy Inspector-General of Police, Jhansi Zone, Jhansi—*Member* 4. Seniormost Superintending Engineer P.W.D. Jhansi—*Member* 5. District Magistrate, Jhansi—*Member* 6. Sri Shiromani Bhai, M.L.A., Manikpur—*Member* 7. Sri Baboo Lal, M.L.A., Mahoba—*Member* 8. Sri Bhagirath Chaudhari, M.L.A., Mauranipur—*Member* 9. Sri Arbind Tiwari, M.L.A., Orai—*Member* 10. Sri Ram Prakash Singh, Sainger, M.L.A., Madhogarh—*Member*	Jhansi	Jhansi, Jalaun, Lalitpur, Banda and Hamirpur districts.

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1	2	3	4	5
7	Regional Transport Authority, Faizabad	1. Commissioner, Faizabad Division, Faizabad—*Chairman* 2. Deputy Transport Commissioner, Lucknow Zone, Lucknow—*Member* 3. Deputy Inspector-General of Police, Faizabad Zone, Faizabad—*Member* 4. Seniormost Superintending Engineer, P.W.D., Faizabad—*Member* 5. District Magistrate, Faizabad—*Member* 6. Shrimati Rajpati Devi. M.L.A., Gauriganj—*Member* 7. Sri Baboo Lal, M.L.A., Dikisar—*Member* 8. Sri Jai Narayan Tiwari, M.L.A., Esouli—*Member* 9. Sri Surendra Pratap Singh, M.L.A., Ayodhya—*Member* 10. Sri Ahtisham Ali Khan, M.L.A., Kaiserganj—*Member*	Faizabad	Faizabad, Sultanpur, Bahraich, Bara Banki, and Gonda districts.
8	Regional Transport Authority, Pauri-Garhwal	1. Commissioner, Garhwal Division, Pauri—*Chairman* 2. Deputy Transport Commissioner, Garhwal Zone, Pauri—*Member* 3. Deputy Inspector-General of Police, Pauri Zone, Pauri—*Member* 4. Seniormost Superintending Engineer, P.W.D., Pauri—*Member* 5. District Magistrate, Pauri-Garhwal—*Member* 6. Sri Pushkar Singh, M.L.A., Pauri—*Member* 7. Sri Santan Barthwal, M.L.A., Badri-Kedar—*Member*	Pauri-Garhwal	Pauri-Garhwal and Chamoli districts

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1	2	3	4	5
9	Regional Transport Authority, Meerut	1. Commissioner, Meerut Division, Meerut—*Chairman* 2. Deputy Transport Commissioner, Meerut Zone Meerut—*Member* 3. Deputy Inspector-General of Police, Meerut—*Member* 4. Seniormost Superintending Engineer, P.W.D., Meerut—*Member* 5. District Magistrate, Meerut—*Member* 6. Sri Emtiyaj Mohammad Khan, M.L.A., Syana—*Member* 7. Srimati Vimla Singh, M.L.A., Modinagar—*Member* 8. Sri Gajraj Singh, M.L.A., Hapur—*Member* 9. Sri Jai Narayan Sharma, M.L.A., Meerut City—*Member* 10. Sri Baboo Singh, M.L.A., Baghra—*Member*	Meerut	Meerut, Muzaffarnagar, Bulandshahr, and Ghaziabad districts.
10	Regional Transport Authority, Kanpur	1. Commissioner, Allahabad Division, Allahabad—*Chairman* 2. Deputy Transport Commissioner, Kanpur Zone, Kanpur—*Member* 3. Deputy Inspector-General of Police, Kanpur Zone, Kanpur—*Member* 4. Seniormost Superintending Engineer, P.W.D., Kanpur Nagar—*Member* 5. District Magistrate, Kanpur Nagar—*Member* 6. Sri Indra Jeet, M.L.A., Vishunpur—*Member* 7. Sri Amar Nath Singh, M.L.A., Haswa—*Member* 8. Sri Radhye Shyam, M.L.A., Bhognipur—*Member*	Kanpur	Farrukhabad, Kanpur Nagar, Kanpur Dehat, Etawah and Fatehpur, districts.

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1	2	3	4	5
		9. Sri Nek Chand Pandey, M.L.A., Chaubepur—*Member* 10. Moharam Singh, M.L.A., Kamalaganj—*Member*		
11	Regional Transport Authority Bareilly	1. Commissioner, Bareilly Division, Bareilly—*Chairman* 2. Deputy Transport Commissioner, Bareilly Zone, Bareilly—*Member* 3. Deputy Inspector-General of Police, Bareilly Zone, Bareilly—*Member* 4. Seniormost Superintending Engineer, P.W.D., Bareilly—*Member* 5. District Magistrate, Bareilly—*Member* 6. Sri Narottam Singh, M.L.A., Usehat—*Member* 7. Sri Mohammad Abrar Ahmad, M.L.A., Binawer—*Member* 8. Sri Nathoo Ram Vikal, M.L.A., Faridpur—*Member* 9. Sri Vinod Kumar Tiwari, M.L.A., Pooranpur—*Member* 10. Udai Veer Singh, M.L.A., Jalalabad—*Member*	Bareilly	Bareilly, Budaun, Shahjahanpur and Pilibhit districts.
12	Regional Transport Authority, Kumaun	1. Commissioner, Kumaun Division, Naini Tal—*Chairman* 2. Deputy Transport Commissioner, Bareilly Zone, Bareilly—*Member* 3. Deputy Inspector-General of Police, Kumaun Zone, Kumaun—*Member* 4. Seniormost Superintending Engineer, P.W.D., Naini Tal—*Member* 5. District Magistrate, Naini Tal—*Member*	Kumaun	Naini Tal, Almora, and Pithoragarh districts.

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1	2	3	4	5
		6. Srimati Saraswati Devi, M.L.A., Almora—*Member* 7. Sri Gopal Ram Das, M.L.A., Bageshwar—*Member* 8. Sri Pooran Singh, M.L.A., Ranikhet—*Member* 9. Sri Kishan Singh Taragi—M.L.A., Naini Tal—*Member* 10. Sri Suresh Chander, M.L.A., Khatima—*Member*		
13	Regional Transport Authority, Varanasi	1. Commissioner, Varanasi Division, Varanasi—*Chairman* 2. Deputy Transport Commissioner, Varanasi Zone, Varanasi—*Member* 3. Deputy Inspector-General of Police, Varanasi Zone, Varanasi—*Member* 4. Seniormost Superintending Engineer, P.W.D., Varanasi—*Member* 5. District Magistrate, Varanasi—*Member* 6. Sri Har Dev, M.L.A,, Rasra—*Member* 7. Sri Amitabh Anil Dubey M.L.A., Ghazipur—*Member* 8. Sri Gajraj Ram, M.L.A., Kirakat—*Member* 9. Sri Srinath Singh, M.L.A., Chiraigaon—*Member* 10. Sri Bhagwati Prasad Chaudhary, M.L.A., Chanabi—*Member*	Varanasi	Varanasi, Ghazipur, Ballia, Mirzapur and Jaunpur districts.
14	Regional Transport Authority, Moradabad	1. Commissioner, Moradabad Division, Moradabad—*Chairman* 2. Deputy Transport Commissioner, Garhwal Zone, Pauri—*Member*	Moradabad	Moradabad, Rampur and Bijnor districts.

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1	2	3	4	5
		3. Deputy Inspector-General of Police, Moradabad Zone, Moradabad—*Member* 4. Seniormost Superintending Engineer, P.W.D., Moradabad—*Member* 5. District Magistrate, Moradabad—*Member* 6. Sri Basant Singh, Gahlout, M.L.A., Dhampur—*Member* 7. Sri Sukkhan Singh, M.L.A., Nazibabad—*Member* 8. Sri Bhagwan Dass, M.L.A., Gangeswari—*Member* 9. Sri Phool Kunwar, M.L.A., Chandausi—*Member* 10. Sri Daljeet Singh M.L.A., Bilaspur—*Member*	

[106] **English translation of Sansdeeya Karya Anubhag-1, Noti. No. 487(S)/XVII-1—88-34(S)-87, dated February 15, 1988, published in the U.P. Gazette, Extra., Part-4, Section (ka), dated 15th February, 1988, pp. 3-5**

In exercise of the powers under Section 30 read with the proviso to Section 5 of the **Uttar Pradesh State Legislature (Members' Emoluments and Pension) Act, 1980** (U.P. Act No. 23 of 1980), the Governor is pleased to make the following Rules for providing air travel facility to members of the State Legislature.

1. **Short title and commencement.**—(1) These rules may be called the **Uttar Pradesh State Legislature (Air Travel Facility to Members) Rules, 1988.**

(2) They shall come into force with effect from the date of their publication in the Gazette.

2. **Definition.**—In these rules,—

(*a*) 'Act' means the Uttar Pradesh State Legislature (Members' Emoluments and Pension) Act, 1980;

(*b*) 'excess baggage charges' means charges levied or collected by the Indian Airlines for the carriage of excess baggage;

(*c*) 'Indian Airlines' means the Corporation established by that name under Section 3 of the Air Corporations Act, 1953 and includes a person or body engaged in providing air transport service on behalf of or in association with the Indian Airlines or otherwise;

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(*d*) 'miscellaneous charges order' means miscellaneous charges order issued by the Indian Airlines for air transport service.

3. Arrangement for and supply of miscellaneous charges order.—(1) A member, who opts for travel by air under the proviso to Section 5 of the Act, shall give his option to the Secretary indicating the value of air coupons required by him during the year.

(2) The Secretary shall make arrangements with the Indian Airlines for the purchase of miscellaneous charges order of the value indicated in the name of the concerned member and also for the return of unused miscellaneous charges order.

(3) The Secretary shall issue air travel coupons, referred to in the proviso to Section 5 of the Act, in the shape of miscellaneous charges order purchased under sub-rule (2), to the member concerned, who shall use it only for his own journey.

4. Method of purchasing air travel ticket.—(1) On production of the miscellaneous charges order at any Booking Office of the Indian Airlines, air ticket shall be issued in lieu of the miscellaneous charges order for the journey of the member concerned.

(2) If the value of the air ticket issued under sub-rule (1), is less than the value of the miscellaneous charges order, a fresh miscellaneous charges order for the balance amount shall be issued in the name of the concerned member and delivered to him at the time of issuing the air ticket.

5. Cancellation of journey.—If after having obtained the air ticket, the intended journey is cancelled, fresh miscellaneous charges order for the amount refundable shall be issued in the name of the concerned member at the time of cancellation and no amount shall be paid in cash to the member concerned.

6. Validity of miscellaneous charges order.—The miscellaneous charges order, issued under sub-rule (3) of Rule 3, shall be valid from the date of issue till the last day of the year.

7. Restriction on use of miscellaneous charges order.—The miscellaneous charges order issued under sub-rule (3) of Rule 3 shall be used only for purchase of air ticket for travel in India and shall not be valid for making payments on account of excess baggage charges or any other charges.

8. Deduction for air journey in contravention of the Act and rules.—Where a journey by air has been performed otherwise than in accordance with the provisions of the Act or these rules, the Secretary shall make necessary adjustment by deducting an amount equivalent to the value of air ticket purchased for such journey from the salary or travelling or daily or compensatory accommodation or any other allowance bill of such member.

9. Issue of new miscellaneous charges order.—Every member, shall submit to the Secretary by June 8, every year, a certificate in Form appended to these rules and enclose all unused miscellaneous charges orders and if a member fails to submit such certificate no fresh miscellaneous charges orders shall be issued to him.

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10. No advance miscellaneous charges order to be issued.—No miscellaneous charges order shall be issued in advance to a member for a year or part of year.

11. Incidental charges and road mileage in respect of journey by air.—In case of journey by air, incidental charges under Section 14 shall be admissible at the rate of Rs. 20 for each journey and road mileage in respect of such journey to and from the air port shall be payable at the rate of Rs. 2.50 per kilometre subject to all other conditions applicable to the Gazetted Officers of Group 'A' serving under the State Government.

FORM FOR REQUEST FOR FRESH MISCELLANEOUS CHARGES ORDER

[*See Rule 8 of the Uttar Pradesh State Legislature (Air Travel Facility to Members) Rules, 1988*]

Name of member.....M.L.A./M.L.C.
District.....

I hereby certify that all the miscellaneous charges orders issued to me have been utilised by me according to the provisions of Uttar Pradesh State Legislature (Members' Emoluments and Pension) Act, 1980 and the rules made thereunder, except those of the value of Rs. .....
.....which I have returned as unused miscellaneous charges orders.

I further certify that I have submitted to the Secretary details of cancelled journeys. Details of the unused miscellaneous charges orders :

.....
.....
.....

Signature :
(Name) .....
(Date).....

[107] **English translation of Avas Anubhag-3, Noti. No. 2861(3)/XXXVII-3—87-2R.A.-86, dated January 8, 1988, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 8th January, 1988, p. 2**

In exercise of the powers under Section 4 of the **Uttar Pradesh (Regulation of Building Operations) Act, 1958** (U.P. Act No. XXXIV of 1958), the Governor is pleased to constitute as under the controlling Authority for the regulated area Shamli declared as such under Government Notification No. 2861/XXXVII-3-2R.A.-86, dated January 8, 1988 with effect from the date of publication of this notification in the Gazette for the discharge of functions assigned to it under the said Act :—

CONTROLLING AUTHORITY

1.	District Magistrate, Muzaffar Nagar	*Chairman*
2.	Officer Incharge, Nagar Palika, Shamli	*Member*
3.	Mukhya Adhikari, Zila Parishad, Muzaffar Nagar	*Member*
4.	Superintending Engineer, P.W.D. Muzaffar Nagar	*Member*
5.	Associate Planner, Sambhagiya, Niyojan Khand, Town and Country Planning Development, Meerut	*Member*

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6. Superintending Engineer, Jal Nigam, Meerut *Member*
7. Superintending Engineer, Awas Evam Vikas Parishad, Meerut *Member*
8. Chief Manager, Uttar Pradesh Industrial Corporation, (U.P. S.I.D.C.) *Member*

[108] **English translation of Shiksha Anubhag-10, Noti. No. 3762/XV-X—87-15(357)-85, dated December 30, 1987, published in the U.P. Gazette, Extra., Part 4, Section (ka), dated 30th December, 1987, pp. 2-3**

In exercise of the powers under sub-section (1-A) of Section 50 of the **Uttar Pradesh State Universities Act, 1973** (President's Act No 10 of 1973), as re-enacted and amended by the Uttar Pradesh Universities (Re-enactment and Amendment) Act, 1974 (U.P. Act No. 29 of 1974), read with Section 21 of the Uttar Pradesh General Clauses Act, 1904 (U.P. Act No. 1 of 1904), the Governor is pleased to make the following Statutes with a view to amending the Avadh University First Statutes, 1978.

1. Short title and commencement.—(1) These Statutes may be called the **Avadh University (Nineteenth Amendment) First Statutes, 1987.**

(2) They shall be deemed to have come into force with effect from March 16, 1979.

2. Amendment of Statute 18.07.—For Statute 18.07 of the Avadh University First Statutes, 1978, the following Statute shall be *substituted*, namely :

"18.07. For appointment of an employee in a college, through direct recruitment, the minimum age of the candidate shall be 18 years and maximum age for the post of a Routine Clerk or a post in equivalent scale of pay shall be 30 years, and for any other post, referred to in clauses (1) and (2) of Statute 18.03, it shall be 40 years. The maximum age shall be higher by five years in the case of a candidate belonging to a Schedule Caste or a Schedule Tribe :

Provided that with the prior consent of the Director of Education (Higher Education) the condition of maximum age limit of 30 or 40 years, as the case may be, referred to above, may be relaxed up to 5 years in special circumstances :

Provided further that the maximum age limit shall not apply to an employee referred to in the Statute 18.16 and proviso to clause (1) of Statute 18.03 :

Provided also that for appointment to a vacancy reserved for ex-servicemen, the maximum age shall be higher by the period of service of the candidate in the Armed Forces plus three years."

[109] **English translation of Shram Anubhag-3, Noti. No. 1063/XXXVI-3—5(F)-85, dated October 17, 1987, published in the U.P. Gazette, Extra., Part 4, Section (kha), dated 17th October, 1987, pp. 9—15** [P][L]

In exercise of the powers under clause (*d*) of sub-section (2) of Sections 64 and 112 of the **Factories Act, 1948** (Act No. LXIII of 1948), the Governor is pleased to make the following rules after their previous publication in Government Notification No. 3770/XXXVI-3—5(F)-85, dated November 7, 1986 as required by Section 115 of the said Act :

The Uttar Pradesh Factories (Fifty-fifth Amendment) Rules, 1987

[*See* Sections 64(2)(*d*), 112 and 115 of the Factories Act, 1948]

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1. **Short title and commencement.**—(1) These rules may be called the Uttar Pradesh Factories (Fifty-fifth Amendment) Rules, 1987.

(2) They shall come into force with effect from the date of their publication in the Gazette.

2. **Amendment of Rule 86.**—In the Uttar Pradesh Factories Rules, 1950 for Rule 86 the following rule shall be *substituted*, namely :

"*86.* The following classes of work in the under mentioned classes of factories shall be deemed to be of the nature referred to in clause (*d*) of sub-section (2) of Section 64 of the Act and shall be exempt from the provisions of Sections 51, 52, 54, 55 and 56 of the Act subject to the conditions stated below :

Classes of Factories	*Class of work*
(*i*) Electrical Generating stations and Distributing sub-stations.	Work of male adult workers attending to boilers turbines, engines, generators, motors, boosters, switch-boards, transmission machinery, cables, batteries and auxiliaries.
(*ii*) Waterworks and water pumping stations.	Work of male adult workers attending to boilers, engines, motors, switchboards, pumps and auxiliaries.
(*iii*) Sugar Factories and refineries working on the vacuum pan system.	Work of male adult workers attending to— (*a*) boilers, engines, motors, switch-boards and pumps ; (*b*) handling and crushing cane and handling gur to melting blow-ups ; (*c*) engaged in filtration, clarification and crystallization and cane juice and gur liquor ; (*d*) engaged in evaporation and con-centration of cane juice and gur liquor ; (*e*) engaged in curing the massacuite ; (*f*) engaged in drying crushing and bagging of sugar ; (*g*) engaged in the burning of lime stone and sulphur, for production of carbon dioxide and sulphur dioxide gases, for the clarification of cane juice.
(*iv*) Distilleries	The work of male adult workers attending to— (*a*) boilers, engines, motors, switch-boards and pumps ; (*b*) diffusion of mahua ; (*c*) working of molasses ; (*d*) fermentation of wash ; (*e*) yeast propagation ; (*f*) distillation process.

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Classes of Factories	*Class of work*
(*v*) Breweries	The work of male adult workers attending to— (*a*) boilers, engines and pumps; (*b*) melting, coppers, hopback, coolers refrigerators.
(*vi*) Rosin and Turpentine.	The work of male adult workers attending to— (*a*) boilers, engines, pumps, motors and switch-board; (*b*) distillation of rosin; (*c*) refining of turpentine; (*d*) filtration and casting of rosin.
(*vii*) Ice factories	The work of male adult workers attending to— (*a*) boilers and ice-making machinery; (*b*) receptacles for the production of ice.
(*viii*) Chemical works	The work of male adult workers attending to— (*a*) boilers, pumps and compressors; (*b*) the manufacture of sulphuric, nitric and hydrochloric acids, ammonia, magnesium sulphate, alum, hyposulphite and sulphite of soda, sodium sulphate, sodium sulphide, nitrate of potash, alumina and bichromate of potash.
(*ix*) Distillation of sandal wood and essential oils.	The work of male adult workers attending to boilers and distillation processes.
(*x*) Plate and sheet glass factories and glass bangles factories.	The work of the following classes of male adult workers— (*a*) gas producers, window and plate glass machinemen, tankmen, sheet-glass carriers and lift attendants and workers employed on glass blowing machines in tank and pot furnaces when run in conjunction with the glass furnace; (*b*) firemen, engine and boiler attendants.

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Classes of Factories	*Class of work*
(*xi*) Straw-boards factories.	The work of male adult workers attending to— (*a*) boilers, engines, turbines, generators, motors, switch-boards and pumps; (*b*) cooking, milling, beating and straw-board machines.
(*xii*) Kiln, seasoning of timber and bobbin stone enamelling.	The work of male adult workers attending to— (*a*) boilers, engines, pumps, motors, dynamos and switch-boards; (*b*) Timber, seasoning Kiln. (*c*) stone-enamelling chamber.
(*xiii*) Vegetable oil Hydrogenation factories.	The work of male adult workers attending to— (*a*) boilers, generators, motors, transformers, switch-boards and water softening plants; (*b*) refining, bleaching, distillation (deodorization) and hardening plants, soldering, labelling, packing and storing of containers; (*c*) the production and compression of hydrogen and oxygen gases;
(*xiv*) Production and or compression of oxygen and acetylene gases.	The work of male adult workers attending to generator and compressors.
(*xv*) Soap factories	The work of male adult workers attending to— (*a*) boilers, generators, motors, switch-boards; and (*b*) boiling, scrutching and framing.
(*xvi*) Paper mills	The work of male adult workers attending to— (*a*) boilers, engines, turbines, generators, motors, switch-boards and pumps; (*b*) cooking, milling, beating, straw-board and paper manufacturing machines.
(*xvii*) Electrical steel smelting furnaces.	Work of male adult workers attending to transformers, electrode controls, hydraulic pumps, scrap cutting and transporting, furnacemen, ladenmen, pitside workers and workers attending to moulds for ingot.

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Classes of Factories	*Class of work*
(*xviii*) Rolling mills	Ingot transporters, furnacemen, furnace coolies, tongsmen working at various rolling mills (such as roughers and loopers) workers on the cooling bed, motormen, straighteners, workers engaged in stacking of finished material and attendants of shares and other auxiliary machinery.
(*xix*) Starch factories	Work of male adult workers engaged in the manufacture of starch and its by-products, except those employed in the engineering departments and workshops.
(*xx*) Glue and Gelating mills.	Work of male adult workers engaged in the manufacture of glue and gelatine, including soaking, boiling, spreading, chopping and drying.
(*xxi*) Biscuit factories	Work of male adult workers engaged in the mixing of the dough, baking, drying, and packing biscuits.
(*xxii*) Cement factories	The work of male adult workers— (*a*) attending to boilers, engines, motors, switch-boards and pumps; (*b*) engaged in preparation of raw materials, cement mills, working in conjunction with the continuous kilns, cement grinding, packing and storing.
(*xxiii*) Cold storage factories.	Work of male adult workers attending to motors and compressors.
(*xxiii A*) Capacitors making factories.	Work of male adult workers engaged in Anodic, forming of Alumunium foils and other connected processes.
(*xxiv*) All factories	Work of male adult workers attending boilers.

Conditions

(*i*) Such workers shall be employed on three eight-hour shifts system. An interval for rest of half an hour shall be allowed to every such worker some time during each shift he is required to work.

(*ii*) No such workers shall be employed for more than fourteen consecutive days without a holiday of twenty-four consecutive hours.

(*iii*) The total daily hours of work shall not exceed 10 with a spread over of 12 hours except in an emergency when it is necessary

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to employ a shift worker for more than 8 hours in any day to enable him to work whole or part of the subsequent shift. In no case shall the worker be employed for more than 16 hours in a period of 24 hours from the commencement of work, and the total number of hours of overtime shall also not exceed 50 in any quarter :

Provided that where subsequent shift or any part thereof during which a shift worker is employed as aforesaid falls on a weekly holiday, compensatory period of rest shall also be given on a day which is neither a festival nor a weekly holiday.

Also when a worker is so employed the Manager shall within seven days inform the Inspector of Form No. 10 and shall intimate the date of compensatory period of rest to be given.

The Manager shall also enter the period of extra time worked and the extent of compensatory period of rest in the respective registers and shall note therein the time of commencement of such extra time work before its commencement.

(*iv*) The system of shifts shall be approved by an Inspector before enforcement.

(*v*) All workers working in excess of 9 hours a day or 48 hours a week in a factory shall be paid in respect of such additional hours at the rate of twice the ordinary rate of any in accordance with the provisions of sub-section (1) of Section 59 of the Act.

(*vi*) Every worker shall be given a compensatory holiday in accordance with Section 53 of the Act.''

[110] English translation of Shiksa Anubhag-10, Noti. No. 5385/XV-X—85-13(5)-82, dated October 31, 1985, published in the U.P. Gazette, Extra., Part 4, Section (ka), dated 31st October, 1985, pp. 5—8

In exercise of the powers under sub-section (1-A) of Section 50 of the **Uttar Pradesh State Universities Act, 1973** (President's Act No. 10 of 1973), as re-enacted and amended by the Uttar Pradesh Universities (Re-enactment and Amendment) Act, 1974 (U.P. Act No. 29 of 1974) read with Section 21 of the Uttar Pradesh General Clauses Act, 1904 (U.P. Act No. 1 of 1904), the Governor is pleased to make the following Statutes with a view to amending the Sampurnanand Sanskrit Vishwavidyalaya First Statutes, 1978.

1. **Short title and commencement**.—(1) These Statutes may be called the Sampurnanand Sanskrit Vishwavidyalaya (Tenth Amendment) First Statutes, 1985.

(2) They shall come into force with effect from the date of their publication in the Gazette.

2. **Substitution of Statute 10.05**.—For Statute 10.05 of the Sampurnanand Sanskrit Vishwavidyalaya Firt Statutes, 1978 hereinafter referred to as the said Statutes the following Statute shall be *substituted*, namely :

''10.05 There shall be the following classes of the teachers other than principals of the affiliated colleges in Uttar Pradesh :—

(*a*) Post Graduate Colleges :

(1) Pradhanacharya

(2) Sahayak Acharya

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(3) Acharya
(4) Shikshak

(*b*) Degree Colleges :
(1) Pradhanacharya
(2) Adhyapak
(3) Sahayak Adhyapak

(*c*) Uttar Madhyamika Vidyalayas :
(1) Pradhanacharya
(2) Adhyapak
(3) Sahayak Adhyapak (Jyestha)
(4) Sahayak Adhyapak (Kanishth)

(*d*) Purva Madhayamik Vidyalayas :
(1) Pradhan Adhyapak
(2) Adhyapak
(3) Sahayak Adhyapak''

3. Amendment of Statute 10.07.—In Statute 10.07 of the said Statutes the proviso shall be *omitted.*

4. Amendment of Statute 10.08.—Statute 10.08 of the said Statutes shall be *omitted.*

5. Substitution of Statute 11.15.—For Statute 11.15 of the said Statutes the following Statute shall be *substituted*, namely :

"11.15. The principal and teachers of the affiliated colleges shall be appointed by the management on whole time basis on posts approved by the Government and in the scales of pay approved by the Government of the State or Union Territory or the local body or Authority concerned on the recommendation of a Selection Committee in the manner hereinafter provided.''

6. Substitution of Statute 11.16.—For Statute 11.16 of the said Statutes the following Statute shall be *substituted*, namely :

"11.16 (1) The Selection Committee for appointment of principal of an affiliated college shall consist of :

(*a*) The head of the management or a member of the management (not being the principal or a teacher of the college) nominated by him, who shall be the Chairman ;

(*b*) Regional Deputy Director of Education of the region concerned ;

(*c*) One principal of a degree or a postgraduate college having teaching experience of at least 10 years to be nominated by the Vice-Chancellor.

(*d*) Two experts having at least 15 years teaching experience one of whom shall be a teacher of the university and the other a teacher of an affiliated college of an equal or higher category to be nominated by the Vice-Chancellor.

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(2) The selection committee for appointment of teacher (other than a principal) of an affiliated college shall consist of—

(*a*) the head of a management or a member of the management (not being the principal or teacher of the college) nominated by him who shall be the Chairman;

(*b*) the principal of the college;

(*c*) District Inspector of Schools of the concerned district;

(*d*) two experts having teaching experience of at least 10 years, one of whom shall be a teacher of the university and the other a teacher or Principal of an affiliated college of an equal or higher category to be nominated by the Vice-Chancellor.

(3) All selection committees shall meet at the district of head quarters of the concerned district and the presence of at least one export will be necessary."

7. **Amendment of Statute 11.21.**—In Statute 11.21 of the said Statutes for the words "advertisement in at least one newspaper" the words "advertisement in at least two newspapers" shall be *substituted*.

8. **Amendment of Statute 11.24.**—In Statute 11.24 of the said Statutes for the words "All appointments of Principals or of teachers of an affiliated college made by the management shall be subject to the approval of the Vice-Chancellor," the words "All appointments of Principals or of teachers of an affiliated college shall be made by the management only after the approval in writing by the Vice-Chancellor" shall be *substituted*.

9. **Amendment of Statute 12.01.**—In Statute 12.01 of the said Statutes,—

(*i*) in sub-clause (*a*) of clause (1) for the figure "40" the figure "60" shall be *substituted*;

(*ii*) in sub-clause (*a*) of clause (2) for the figure "40" the figure "50" shall be *substituted*;

(*iii*) in sub-clause (*a*) of clause (3) for the figure "35" the figure "40" shall be *substituted*;

(*iv*) in sub-clause (*a*) of clause (4) for the figure "25" the figure "35" shall be *substituted*.

10. **Substitution of Statute 12.04.**—For Statute 12.04 of the said Statutes, the following Statute shall be *substituted*, namely:

"12.04. Every application for affiliation of a college shall be made so as to reach the Registrar by the 31st December (with late fees of Rs. 100 by 31st January), preceding the year from which the affiliation is sought."

11. **Substitution of Statute 12.05**—For Statute 12.05, the following Statute shall be *substituted*, namely:

"12.05. An application for affiliation of a College shall be accompanied by—

(*i*) a sum of Rs. 500 in case of Colleges up to Uttar Madhyama

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and a sum of Rs. 1000 in other cases through a bank draft payable to the University ;

(*ii*) recommendations of the Deputy Director of Education (Sanskrit), to be given after obtaining a detailed report from the District Inspector of Schools, where the College is situate within the State of Uttar Pradesh ;

(*iii*) recommendations of the concerned Government along with detailed report of the Government officer, where the college is situate outside Uttar Pradesh.''

12. Substitution of Statute 12.06—For Statute 12.06 of the said Statutes, the following Statute shall be *substituted*, namely :

"12.06. Every college seeking affiliation shall satisfy the university with regards to the following particulars—

(*a*) the provisions of Statutes 12.07 and 12.08 have been complied with ;

(*b*) there is no other affiliated institution recognised in the subject applied for within a radius of five kilometres (in Rural areas) and one kilometre (in urban areas) ;

(*c*) the management concerned has provided or has adequate financial resources to provide for suitable and sufficient building of its own, having—

(*i*) adequate library, furniture, stationery, equipment and laboratory facilities ;

(*ii*) sufficient land in the name of the institution ;

(*iii*) facilities for health and recreation of the students ;

(*d*) there is a reserve fund and an endowment fund in accordance with the following rate which shall be pledged to the District Inspector of Schools concerned :

	Category of Institution	Endowment	Reserve Fund
1.	Post Graduate	Rs. 25,000 (cash or property).	Rs. 3,000 in cash.
2.	Graduate	Rs. 20,000 (cash or property).	Rs. 2,000 in cash.
3.	Uttar Madhyama	Rs. 15,000 (cash or property).	Rs. 1,000* in cash.
4.	Purva Madhyama	Rs. 10,000 (cash or property).	Rs. 800 in cash.

Note.—Condition (*d*) shall not apply in case of a College exclusively maintained by the State Government.''

13. Substitution of Statute 12.11.—For Statute 12.11 of the said Statutes, the following Statute shall be *substituted*, namely :

"12.11 (1) Before an application for affiliation is placed before the Executive Council, it shall be examined by the affiliation Committee

* On basis of Hindi version.

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consisting of the following :

(*a*) Vice-Chancellor	..	*Chairman*
(*b*) One nominee of the Executive Councils	..	*Member*
(*c*) Director of Eduction Uttar Pradesh or his nominee not below the rank of Joint Director of Education, nominated by him	..	*Member*
(*d*) Director (Higher Education) Uttar Pradesh or his nominee not below the rank of the principal of a Government Degree College	..	*Member*
(*e*) Registrar	..	*Member-Secretary*

(2) Decision on the application for affiliation shall ordinarily be taken before 15th May of the year in which it is proposed to start classes."

14. Substitution of Statute 12.22.—For Statute 12.22 of the said Statutes, the following Statute shall be *substituted*, namely :

"12.22. In case the office of the Principal of an affiliated college falls vacant the senior most teacher of the college, shall act as principal until a duly selected principal assumes office provided that such teacher shall draw the pay he is entitled to get on the post of the teacher and will not get the pay of the post of principal during such period."

15. Substitution of Statute 12.26.—For Statute 21.26 of the said Statutes, the following Stutute shall be *substituted*, namely :

"12.26. Information regarding all posts in the teaching staff of the college that fall vacant shall be communicated to the Registrar, Assistant Inspector, Sanskrit Pathshalas, District Inspector of Schools and Regional Deputy Director of Education concerned within 15 days from the date of their falling vacant."

16. Amendment of Statute 12.28.—In Statute 12.28 of the said Statutes, for the words "Vice-Chancellor" wherever occurring, the words "Regional Deputy Director of Education" shall be *substituted*.

17. Amendment of Statute 12.31.—In Statute 12.31 of the said Statutes, for the words "five successive years" the words "three successive years" shall be *substituted*.

18. Amendment of Statute 17.04.—In Statute 17.04 of the said Statutes, in sub-clause (*h*) of clause (1), for the words "Vice-Chancellor" the words "Government" shall be *substituted*.

[111] English translation of Shram Anubhag-1, Noti. No. 1771(ST)/XXXVI-1-1049(ST)-84, dated July 28, 1986, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 28th July, 1986, pp. 3-5

In exercise of the powers under Section 7-A read with sub-clause (*ii*) of clause (*a*) of Section 2 of the **Payment of Gratuity Act, 1972** (Act No. 39 of 1972) and Section 21 of the General Clauses Act, 1897 (Act No. X of 1897) and in supersession of Notification No. 7587(ST)/XXXVI-1-1049(ST)-84, dated April 30, 1985, the Governor is pleased to appoint the officers/Labour Inspectors mentioned in Column 2 of the Schedule below to be the Inspectors for the areas specified against each in Column 3 of the said Schedule for the purposes of the said Act :

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SCHEDULE

Sl. No.	Officers/Labour Inspectors	Area
1	2	3
1	All Conciliation Officer/Labour Officers posted at various places of Kanpur Region.	District of Kanpur Nagar, Kanpur Dehat, Etawah, Farrukhabad and Unnao Districts.
2	All Labour Inspectors posted at various places of Kanpur Region.	Ditto
3	All Conciliation/Labour Officers posted at various places of Allahabad Region.	Allahabad and Fatehpur Districts.
4	All Labour Inspectors of Allahabad Region.	Ditto
5	All Conciliation/Labour Officers of Meerut Region.	Meerut Region comprising of Meerut, Muzaffarnagar and Saharanpur Districts.
6	All Labour Inspectors of Meerut Region posted at various places of Meerut Region.	Ditto
7	All Conciliation/Labour Officers posted at various places of Agra Region.	Agra Region comprising of Agra, Aligarh, Etah, Mainpuri and Mathura Districts.
8	All Labour Inspectors posted at various places of Agra Region.	Ditto
9	All Conciliation/Labour Officers posted at various places of Bareilly Region.	Bareilly Region comprising of Bareilly, Budaun, Pilibhit and Shajahanpur Districts.
10	All Labour Inspectors posted at various places of Bareilly Region.	Ditto
11	All Conciliation/Labour Officers of Gorakhpur Region posted at various places.	Gorakhpur Region comprising of Gorakhpur, Basti, Deoria and Azamgarh Districts.
12	All Labour Inspectors posted at various places of Gorakhpur Region.	Ditto
13	All Conciliation/Labour Officers posted at various places of Lucknow Region.	Lucknow Region comprising of Lucknow, Hardoi, Lakhimpur Kheri, Rae Bareli and Sitapur Districts.
14	All Labour Inspectors posted at various places of Lucknow Region.	Ditto

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1	2	3
15	All Conciliation/Labour Officers posted at various places of Garhwal Region.	Garhwal Region comprising of Dehradun, Chamoli, Garhwal (Pauri), Tehri Garhwal and Uttar-Kashi Districts.
16	All Labour Inspectors posted at various places of Garhwal Region.	Ditto
17	All Conciliation/Labour Officers posted at various places of Ghaziabad Region.	Ghaziabad Region comprising of Ghaziabad and Bulandshahr Districts.
18	All Labour Inspector posted at various places of Ghaziabad Region.	Ditto
19	All Labour/Conciliation Officers posted at various places of Kumaon Region.	Kumaon Region comprising of Nainital, Almora and Pithoragarh Districts.
20	All Labour Inspectors posted at various places of Kumaon Region.	Ditto
21	All Labour/Conciliation Officers posted at various places of Varanasi Region.	Varanasi Region Comprising of Varanasi, Ghazipur, Ballia and Jaunpur Districts.
22	All Labour Inspectors posted at various places of Varanasi Region.	Ditto
23	All Labour/Conciliation Officers posted at various places of Mirzapur Region.	Mirzapur Region comprising of Mirzapur Districts.
24	All Labour Inspectors posted at various places of Mirzapur Region.	Ditto
25	All Labour/Conciliation Officers posted at various places of Moradabad Region.	Moradabad Region comprising of Moradabad, Rampur and Bijnor Districts.
26	All Labour Inspectors posted at various places of Moradabad Region.	Ditto
27	All Labour/Conciliation Officers posted at various places of Faizabad Region.	Faizabad Region comprising of Faizabad, Bahraich, Barabanki, Gonda, Pratapgarh and Sultanpur Districts.
28	All Labour Inspectors posted at various places of Faizabad Region.	Ditto
29	All Labour/Conciliation Officers posted at various places of Jhansi Region.	Jhansi Region comprising of Jhansi, Lalitpur, Banda, Hamirpur and Jalaun Districts.
30	All Labour Inspectors posted at various places of Jhansi Region.	Ditto

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[112] English translation of Finance (General) Section-4, Noti. No. G-4-1890/X—502-1985, dated October 29, 1985, published in the U.P. Gazette, Extra., Part-4, Section (ka), dated 29th October, 1985, pp. 1-31

In exercise of the powers conferred by the proviso to Article 309 of the **Constitution** and in supersession of the General Provident Fund (Uttar Pradesh) Rules published with Notification No. C-591/X—374-1934, dated March 7, 1935, the Governor is pleased to make the following rules, namely :

The General Provident Fund (Uttar Pradesh) Rules, 1985

SHORT TITLE AND DEFINITIONS

1. Short title and commencement.—(*a*) These rules may be called the General Provident Fund (Uttar Pradesh) Rules, 1985.

(*b*) They shall come into force at once.

2. Definitions.—(1) In these rules unless the context otherwise requires—

(*a*) 'Account Officer' in relation to group 'D' (formerly Class IV) employees whose accounts are kept by departmental authorities means the drawing and disbursing officer concerned and in respect of other employees means the officer to whom the duty to maintain the provident fund account of the subscriber has been assigned by the Comptroller and Auditor-General of India ;

(*b*) 'emoluments' shall save as otherwise expressly provided mean pay, leave salary or subsistence grant as defined in the Financial Handbook, Volume II, and includes dearness pay appropriate to pay leave salary or subsistence grant, if admissible and any remuneration of the nature of pay received in respect of foreign service ;

(*c*) 'family' means—

(*i*) in the case of a male subscriber the wife or wives and children of a subscriber and the widow or widows and children of a deceased son of the subscriber :

Provided that if a subscriber proves that his wife has been judicially separated from him or has ceased under the customary law of the community to which she belongs, to be entitled to maintenance, she shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these rules relate unless the subscriber subsequently intimates in writing to the Account Officer that she shall continue to be so regarded ;

(*ii*) in the case of a female subscriber, the husband and children of a subscriber and the widow or widows and children of a deceased son of a subscriber :

Provided that if a subscriber by notice in writing to the Account Officer expresses her desire to exclude her husband from her family the husband shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these rules relate unless the subscriber subsequently cancels such notice in writing.

Note.—Child means a legitimate child and includes an

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adopted child, where adoption is recognised by the personal law governing the subscriber.

(*d*) 'Fund' means the General Provident Fund;

(*e*) 'leave' means any kind of leave as provided for in the Financial Handbook, Volume II, Parts II to IV;

(*f*) 'Undertaking' means—

(*i*) a statutory body incorporated by or under any Uttar Pradesh Act or Central Act;

(*ii*) a government company within the meaning of Section 617 of the Companies Act, 1956;

(*iii*) a Local Authority within the meaning of clause (25) of Section 4 of the Uttar Pradesh General Clauses Act, 1904;

(*iv*) a scientific organisation registered under the Societies Registration Act, 1860, wholly or partly under the control of the Central Government or any State Government.

(*g*) 'year' means a financial year.

(2) Any other expression used in these rules which is defined either in the Provident Funds Act, 1925 (Act No. 19 of 1925), or in the Financial Handbook, Volume II, Parts II to IV, is used in the sense defined therein.

(3) Nothing in these rules shall be deemed to have the effect of terminating the existence of the General Provident Fund as heretofore existing or of constituting any new Fund.

CONSTITUTION OF THE FUND

3. **Constitution of the Fund.**—(1) The Fund shall be maintained in India in rupees.

(2) All sums paid into the Fund under these rules shall be credited in the books of Government to an account named "The General Provident Fund". Sums of which payment has not been taken within six months after the issue of payment authority under these rules shall be transferred to "Deposits" at the end of the year and treated under the ordinary rules relating to deposits.

4. **Conditions of eligibility.**—All permanent Government servants and all temporary Government servants, other than those appointed on contract and re-employed pensioners, after a continuous service of one year, shall subscribe to the Fund.

Note 1.—Apprentices and Probationers shall be treated as temporary Government servants for the purpose of this rule.

Note 2.—A temporary Government servant who completes one year of continuous service during the middle of a month shall subscribe to the Fund from the next following month.

Note 3.—Temporary Government servants (including Apprentices and Probationers) who have been appointed against regular vacancies and are likely to continue for more than a year may subscribe to the Fund any time before completion of one year's service.

Note 4.—Executive authorities should inform the Account Officer as soon as a Government servant becomes liable to subscribe to the Fund.

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NOMINATION

5. Nomination.—(1) A subscriber shall at the time of joining the Fund, submit to the Head of Department/Head of Office a nomination conferring on one or more persons the right to receive the amount that may stand to his credit in the Fund in the event of his death, before that amount has become payable, or having become payable, has not been paid :

Provided that a subscriber who has a family at the time of making the nomination shall make such nomination only in favour of a member or members of his family :

Provided further that the nomination made by the subscriber in respect of any other provident fund to which he was subscribing before joining the Fund shall, if the amount to his credit in such other fund has been transferred to his credit in the Fund, be deemed to be a nomination duly made under this rule until he makes a nomination in accordance with this rule.

(2) If a subscriber nominates more than one person under sub-rule (1), he shall specify in the nomination the amount or share payable to each of the nominees in such a manner as to cover the whole of the amount that may stand to his credit in the Fund at any time.

(3) Every nomination shall be in the form set forth in the First Schedule. The authority to whom the nomination is submitted shall ensure that it is according to the rules and its receipt will be acknowledged by him. In case the nomination is found incomplete or defective, it will be returned to the subscriber for correction and re-submission. When the nomination has been accepted, the required entries in respect thereof will be made at the appropriate place in the G.P.F. passbook of the subscriber and duly signed by the drawing and disbursing officer. The nomination shall be kept securely with the subscriber's G.P.F. pass-book and when he is transferred to another department or office, the nomination along with his G.P.F. passbook shall be transferred to the drawing and disbursing officer concerned after making an entry to this effect in the passbook and an acknowledgement for the same shall also be obtained from that office.

(4) A subscriber may, at any time, cancel a nomination by sending a notice in writing to the Head of the Department/Head of Office. The subscriber shall, alongwith such notice or separately, send a fresh nomination made in accordance with the provisions of this rule.

(5) A subscriber may provide in a nomination as follows :—

(*a*) In the event of any specified nominee predeceasing the ubscriber, the right conferred upon that nominee shall pass to such other person or persons as may be specified in the nomination, provided that such other person or persons shall, if the subscriber has other members of his family, be such other member or members and where the subscriber confers such a right on more than one person under this clause, he shall specify the amount or share payable to each of such persons in such a manner as to cover the whole of the amount payable to the nominee.

(*b*) The nomination shall become invalid in the event of the happening of a contingency specified therein :

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Provided that if at the time of making the nomination the subscriber has no family, he shall provide in the nomination that it shall become invalid in the event of his subsequently acquiring a family :

Provided further that if at the time of making the nomination the subscriber has only one member of the family, he shall provide in the nomination that the right conferred upon the alternate nominee under clause (*a*) shall become invalid in the event of his subsequently acquiring other member or members in his family.

(6) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under clause (*a*) of sub-rule (5) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (*b*) of sub-rule (5) or the provisos thereto, the subscriber shall send to the Head of Department/Head of Office a notice in writing cancelling the nomination, together with a fresh nomination made in accordance with the provisions of this rule.

(7) Every nomination made, and every notice of cancellation given, by a subscriber shall, to the extent that it is valid, take effect on the date on which it is received by the Head of Department/Head of Office.

Note.—In this rule, unless the context otherwise requires, the term "person" or "persons" shall include a company or association or body of individuals, whether incorporated or not.

SUBSCRIBER'S ACCOUNT

6. **Subscriber's account.**—An account shall be opened in the name of each subscriber in which shall be shown—

(*i*) his subscriptions ;

(*ii*) such other amount as the Government may decide to be credited from time to time ;

(*iii*) interest, as provided by Rule 11, on subscriptions ;

(*iv*) bonus, as provided by Rule 12, on subscriptions ; and

(*v*) advances and withdrawals from the Fund.

CONDITIONS AND RATES OF SUBSCRIPTION

7. **Conditions of subscription.**—(1) A subscriber shall subscribe monthly to the Fund except during the period when he is under suspension :

Provided that when a subscriber, on reinstatements, receives full pay for the period of suspension, he shall pay in one lump sum or in instalments as may be determined, the arrear subscriptions payable for that period. In other cases the subscriber may, at his option, pay any arrear subscriptions for the period of suspension, in one lump sum or in instalments as may be determined :

Provided further that a subscriber may, at his option, not subscribe during leave which either does not carry any leave salary or carries leave salary equal to half pay or half average pay.

(2) The subscriber shall intimate his election not to subscribe during the leave referred to in the second proviso to sub-rule (1) in the following

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manner :

(*a*) If he is an officer who draws his own pay bills, by making no deduction on account of subscription in his first pay bill drawn after proceeding on leave.

(*b*) If he is not an officer who draws his own pay bills, by written communication to the Head of his office before he proceeds on leave.

Failure to make due and timely intimation shall be deemed to constitute an election to subscribe. The option of a subscriber intimated under this sub-rule shall be final.

(3) A subscriber who has, under Rule 24, withdrawn the amount standing to his credit in the Fund shall not subscribe to the Fund after such withdrawal unless he returns to duty.

(4) Notwithstanding anything contained in sub-rule (1)—

(*a*) no deduction towards subscription to the Fund shall be made for the last six month's pay of a subscriber preceding his retirement or superannuation ;

(*b*) a subscriber shall not subscribe to the Fund for the month in which he quits service otherwise than on retirement on superannuation unless, before the commencement of the said month, he communicates to the Head of Office in writing, his option to subscribe for the said month.

8. Amount of subscription.—(1) The amount of subscripton shall be fixed by the subscriber himself, subject to the condition that the amount shall not be less than 10 per cent and not more than the amount of his emoluments and shall be expressed in whole rupees.

(2) For the purpose of sub-rule (1) the emoluments of a subscriber shall be as follows :

(*a*) In the case of a subscriber who was in Government service on the 31st March of the preceding year, the emoluments to which he was entitled on that date :

Provided that—

(*i*) If the subscriber was on leave on the said date and elected not to subscribe during such leave or was under suspension on the said date, his emoluments shall be the emoluments to which he was entitled on the first day after his return to duty.

(*ii*) If the subscriber was on deputation out of India on the said date or was on leave on the said date and continues to be on leave and has elected to subscribe during such leave, his emoluments shall be the emoluments to which he would have been entitled had he been on duty in India.

(*b*) In the case of a subscriber who was not in Government service on 31st March of the preceding year, the emoluments to which he was entitled on the day he joins the Fund.

(3) The subscriber shall intimate the fixation of the amount of his monthly subscription in each year in the following manner :

(*a*) If he was on duty on the 31st March of the preceding year, by

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the deduction which he causes to be made in this behalf from his pay bill for that month.

(*b*) If he was on leave on the 31st March of the preceding year, and elected not to subscribe during such leave, or was under suspension on that date, by the deduction which he causes to be made in this behalf from his first pay bill after his return to duty.

(*c*) If he has entered Government service for the first time during the year, by the deduction which he causes to be made in this behalf from his pay bill for the month during which he joins the Fund.

(*d*) If he was on leave on the 31st March of the preceding year, and continues to be on leave and has elected to subscribe during such leave, by the deduction which he causes to be made in this behalf from his salary bill for that month.

(*e*) If he was on foreign service to an Undertaking on the 31st March of the preceding year, by the amount deposited in the State Bank of India through Treasury Challan or forwarded to the Account Officer through Bank Draft on account of subscription for the month of April in the current year.

(4) The amount of subscription so fixed may be—

(*a*) reduced once at any time during the course of the year;

(*b*) enhanced twice during the course of the year.

Provided that when the amount of subscription is so reduced it shall not be less than the minimum prescribed in sub-rule (1):

Provided further that if a subscriber is on leave without pay or leave on half pay or half average pay for a part of a calendar month and he has elected not to subscribe during such leave the amount of subscription payable shall be proportionate to the number of days spent on duty including leave, if any, other than those referred to above.

9. **Transfer to foreign service or deputation out of India.**— When a subscriber is transferred to foreign service or sent on deputation out of India, he shall remain subject to the rules of the Fund in the same manner as if he were not so transferred or sent on deputation.

REALISATION OF SUBSCRIPTION

10. **Realisation of subscription.**—(1) When emoluments are drawn from a Government Treasury in India or from an authorised office of disbursement outside India, recovery of subscriptions and of advances shall be made from the emoluments themselves.

(2) (*a*) When a subscriber is on foreign service to an Undertaking located in Uttar Pradesh, the above dues shall be recovered and deposited in the State Bank of India through a Treasury Challan every month by such Undertaking.

(*b*) In the case of a subscriber on deputation to an Undertaking located outside Uttar Pradesh the said dues shall be recovered and forwarded to the Account Officer through a Bank Draft of the State Bank of India every month by that Undertaking.

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(*c*) When a subscriber is on foreign service to any other institution the foreign employer or the subscriber shall deposit the said dues in the State Bank of India through a Treasury Challan every month if the institution is located in Uttar Pradesh or forwarded the dues to the Account Officer through a Bank Draft of the State Bank of India every month if the institution is located outside Uttar Pradesh.

Note.—When the dues are deposited in the State Bank of India through a Treasury Challan, it should be ensured that account number of the subscriber and other relevant particulars are filled in correctly.

(3) If a subscriber fails to subscribe with effect from the date on which he is required to join the Fund or is in default in any month or months during the course of a year otherwise that has provided in Rule 7, the total amount due to the Fund on account of arrears of subscription shall forthwith be paid by the subscriber to the Fund or in default, be recovered by deduction from his emoluments in instalments or otherwise, as may be directed by the authority specified in paragraph 1 of the Second Schedule.

INTEREST

11. Interest.—(1) Subject to the provisions of sub-rule (5) Government shall pay to the credit of the account of a subscriber interest at such rate as may be determined for each year by the Government of India.

(2) (*a*) Interest shall be credited to the account of a subscriber on the last day in each year in the following manner :

(*i*) On the amount at the credit of a subscriber on the last day of the preceding year up to the end of the current year ;

(*ii*) On all sums credited to the account after the last day of the preceding year from the date of deposit up to the end of the current year.

(*b*) No interest shall be admissible on any sum withdrawn during the current year from the first day of the month in which such a sum was withdrawn up to the end of the current year.

(*c*) The amount of interest, determined as aforesaid, if such amount is not in whole rupees, shall be rounded off to the nearest whole rupee, a part of the rupee less than fifty paise shall be ignored and any other part shall be counted as next higher rupee.

Explanation.—The amount at the credit of a subscriber on the last day of the preceding year will include the amount of bonus if any, payable for such preceding year :

Provided that when the amount standing to the credit of a subscriber has become payable, interest shall thereupon be credited under this sub-rule in respect only of the period from the beginning of the current year or from the date of deposit, as the case may be, up to the date on which the amount standing to the credit of the subscriber became payable.

(3) In this rule, the date of deposit shall, in the case of recovery from emoluments, be deemed to be the first day of the month in which it is recovered :

Provided that where there has been delay in the drawal of pay or leave

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salary and allowances of a subscriber and consequently in the recovery of his subscription towards the Fund, the interest on such subscriptions shall be payable from the month in which the pay or leave salary of the subscriber was due under the rules irrespective of the month in which it was actually drawn :

Provided further that where the emoluments for a month are drawn and disbursed on the last working day of the same month the date of deposit shall, in the case of recovery of his subscriptions, be deemed to be the first day of the succeeding month.

(4) In addition to any amount to be paid under Rule 20, 21 or 22 interest thereon up to the end of the month preceding that in which the payment is authorized, shall be payable to the person to whom such amount is to be paid :

Provided that where the application required under sub-rules (4) and (5) of Rule 24 is submitted complete in all respects to the Head of Office or Department, whose duty it is to forward the same to the Account Officer, after the expiry of six months from the date the amount claimed became payable, interest shall be payable only up to the end of the month preceding that in which the payment is authorized or up to the end of the twelfth month after the month in which such amount became payable whichever is earlier except where it is proved to the satisfaction of the Head of Office or Department concerned that the submission of the said application was delayed by circumstances beyond the control of the applicant, in which case the restriction of this proviso shall not apply :

Provided further that where a subscriber, on deputation to an Undertaking, is subsequently absorbed in such Undertaking with effect from a retrospective date, then, for the purpose of calculating interest due on the Fund accumulations of the subscriber, the date of issue of the orders regarding absorption shall be deemed to be the date on which the amount to the credit of subscriber became payable.

(5) Interest shall not be credited to the account of a subscriber if he informs the Drawing and Disbursing Officer that he does not wish to receive it, but if he subsequently asks for interest, it shall be credited with effect from the first day of the year in which he asks for it.

(6) In case a subscriber is found to have drawn from the Fund an amount in excess of the amount standing to his credit on the date of the drawal, the overdrawn amount, irrespective of whether the overdrawal occurred in the course of an advance or a withdrawal or final payment from the Fund, shall be repaid by him with interest thereon, or in default, be ordered to be recovered by deduction from the emoluments or other dues of the subscriber. In case the subscriber is still in service, the amount shall ordinarily be repaid by him or recovered from him in one lump sum, but if the total amount to be recovered is more than half of the subscriber's emoluments, recoveries may be made in monthly instalments as may be determined, taking into consideration the period left before the retirement of the subscriber. In case of a subscriber no longer in service, the entire amount with interest shall be repaid by him or recovered from him in one lump sum. In all cases of overdrawals, where the overdrawn amount or a part thereof, with interest, cannot be recovered by other means, it shall be recoverd as arrears of land revenue. The overdrawn amount, after recovery,

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shall be credited to Government account under the receipt Head of the Department concerned.

(7) The rate of interest to be charged on overdrawn amount referred to in sub-rule (6), would be 2 1/2 per cent over and above the normal rate on Provident Fund balance under sub-rule (1). The interest realised on the overdrawn amount shall be credited to Government account under the sub-head "Interest on overdrawals from Provident Fund" under the head "049—Interest Receipts—Interest receipt of State/Union Territory Governments—Other receipts—Interest on other miscellaneous loans."

(8) In case any excess or wrong payment is made, under Rule 23, the amount so paid together with interest as mentioned in sub-rule (6) above shall to recovered from the emoluments or other dues of the deceased subscriber and credited to Government account in the manner prescribed in the aforesaid sub-rule. If there be no such dues or the over-paid amount with interest cannot be recovered in full therefrom, the outstanding amount shall be recovered, if necessary as arrears of land revenue, from the person who had received excess or wrong payment.

Note.—All requests for advances/withdrawals/final payments/payments under Rule 23 shall be closely scrutinized and in cases where over-payments occur, responsibility should be fixed and, if necessary, action shall be taken both against the administrative and the accounts authorities.

12. Incentive Bonus Scheme.—(1) A subscriber who does not withdraw any money from the amount standing to his credit in the Fund by way of advance under Rule 13 or withdrawal under Rule 16 during the preceding three years, shall be entitled to a bonus at the rate of 1 per cent on the entire balance at his credit on the last day of the year.

(2) The balance on which the bonus is to be calculated is the balance on the last day of the last year of the three years period after crediting interest for the said last year.

(3) The bonus so calculated shall be rounded off to the nearest whole rupee, a part of the rupee less than fifty paise shall be ignored and any other part shall be counted as next higher rupee. This will be credited to the account of the subscriber in addition to the interest on the balance to his credit in his account.

(4) The bonus will be admissible when a subscriber has been subscribing regularly to the Fund during the preceding three years except where under these rules temporary suspension of subscription has been permitted for a short period that is while on leave without pay or on half pay or under suspension.

(5) The year for the purpose of calculating bonus will mean financial year. But if a subscriber joins the Fund or quits service in the middle of a year, the year of joining the Fund and the year of quitting service will be deemed to be full year.

(6) The amount of bonus will be debited to the minor head "Incentive Bonus to Provident Fund subscribers" under the Major Head "249—Interest Payment—C—Interest on small savings, Provident Fund etc.".

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ADVANCES FROM THE FUND

13. Advances from the Fund.—(1) A temporary advance (in whole rupees) may be granted to a subscriber, from the amount at his credit in the Fund, at the discretion of the appropriate authority specified in the Second Schedule subject to the conditions mentioned in sub-rules (2), (3), (4), (5), (6) or (7) :

Note.—Forms of application and sanction order are given in Appendix 'A'.

(2) No advance shall be granted unless the sanctioning authority is satisfied that the applicant's pecuniary circumstances justify it, and that it will be expended on the following object or objects and not otherwise namely :

(*i*) Meeting the expenses in connection with the illness, confinement or disability, including, where necessary the travelling expenses, of the subscriber, members of his family or any other person actually dependent on him ;

(*ii*) Meeting cost of higher education, including where necessary the travelling expenses, of the subscriber, members of his family or any other person actually dependent on him in the following cases, namely :

(*a*) education outside India for academic technical, professional or vocational course beyond the High School stage ; and

(*b*) medical, engineering or other technical or specialised course in India beyond the High School stage.

(*iii*) Meeting obligatory expenses on a scale suitable to subscriber's status which by customary usage the subscriber has to incur in connection with the marriage of the subscriber or marriage, funerals or other ceremonies of the members of his family or any other person actually dependent on him.

(*iv*) Meeting the cost of legal proceedings instituted by or against the subscriber, any member of his family or any person actually dependent on him.

(*v*) Meeting the cost of the subscriber's defence where he engages a legal practitioner to defend himself in an enquiry in respect of any alleged official misconduct on his part.

(*vi*) Meeting the cost or part thereof of house or house site or of construction of house for his residence or for reconstruction repair of or addition or alteration to his house or for making payment towards the allotment of house site or house to him by a Development Authority, Local Body, Housing Board or House Building Cooperative Society under a Housing Scheme, including a self-financing scheme.

(*vii*) Meeting the cost of a motor cycle, scooter (including moped) bicycle, refrigerator, room cooler, cooking gas connection or television set for subscriber's own use :

Provided that the Governor may, in special circumstances, sanction the payment to any subscriber of an advance for a purpose other than those mentioned in sub-clauses (*i*) to (*vii*) above if the Governor is satisfied with the justification given in support thereof.

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(3) The sanctioning authority shall record in writing its reason for granting the advance.

(4) An Advance shall not, except for special reasons :

(*i*) exceed three months' pay or half the amount at the credit of subscriber in the Fund whichever is less : or

(*ii*) be granted until at least twelve months have elapsed after the final repayment of all previous advances :

Provided that so long as the amount already advanced together with the fresh advance applied for does not exceed the amount admissible under clause (*i*) at the time of the grant of the first advance, special reasons will not be required for the grant of a second advance or subsequent advances, and such advances may be granted by the authority specified in paragraph 1 of the Second Schedule, even if the condition mentioned in clause (*ii*) is not fulfilled.

Explanation.—In this proviso the expression "the amount already advanced" means the amount, or the sum of amounts actually advanced and not the balance outstanding after any repayment.

(5) When an advance is sanctioned under sub-rule (4) before repayment of last instalment of any previous advance is completed the balance of any previous advance not recovered shall be added to the advance so sanctioned and the instalments for recovery shall be with reference to the consolidated amount.

(6) In fixing the amount of an advance the sanctioning authority shall pay due regard to the amount at the credit of the subscriber in the Fund. Whenever a subscriber is in a position to satisfy the competent authority about the amount standing to his credit in the Fund with reference to his G.P.F. passbook or the latest available statement of General Provident Fund Account issued by the Account Officer under Rule 27 together with the evidence of subsequent subscriptions the competent authority may sanction advance within the prescribed limits. In doing so the competent authority shall take into account any advance or withdrawal already sanctioned to the subscriber. The sanction for the advance must indicate the General Provident Fund Account number and a copy thereof be endorsed to the drawing and disbursing officer maintaining the G.P.F. passbook as well as to the Accounts Officer.

(7) Ordinarily no advance will be sanctioned to a subscriber during the last six months preceding his retirement or superannuation. In special cases in which the sanction of such an advance is unavoidable, it may be sanctioned but it will be the responsibility of the sanctioning authority to ensure that such a sanction is promptly notified to the Account Officer in the case of a Group 'D' employee and to the drawing and disburising offices and the Account Officer in the case of other subscribers, and acknowledgements thereof obtained from them without any delay. It will also be ensured by the above authorities that the amount of advance, if not fully recovered from the subscriber before retirement is duly adjusted against the amount to be paid to him under sub-rule (4) or clause (*b*) of sub-rule (5) of Rule 24, whichever be applicable.

14. Recovery of advances.—(1) An advance shall be recovered from the subscriber in such number of equal monthly instalments as the

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sanctioning authority may direct; but such number shall not be less than twelve unless the subscriber so elects, and more than twenty-four. In special cases where the amount of advance exceeds three months' pay of the subscriber under sub-rule (4) of Rule 13, the sanctioning authority may fix such number of instalments to be more than twenty four but in no case more than thirty six. It will be ensured in each case that the instalments are fixed in such a manner that the entire amount of the advance is recovered latest by six months before the date of retirement of the subscriber or superannuation. A subscriber may, at his option repay more than one instalment in a month. Each instalment shall be in whole rupees, the amount of the advance being raised or reduced. If necessary to admit of the fixation of such instalments.

(2) Recovery shall be made in the manner prescribed in Rule 10 and shall commence with the issue of pay for the month following the one in which the advance was drawn, recovery shall not be made except with the subscriber's consent while he is in receipt of subsistence grant or is on leave for ten days or more in a calendar months which either does not carry any leave salary or carries leave salary equal to half pay or half average pay, as the case may be. The recovery may be postponed, on the subscriber's written request, by the sanctioning authority during the recovery of an advance of pay granted to the subscriber.

(3) If an advance has been granted to a subscriber and drawn by him and the advance is subsequently disallowed before repayment is completed, the whole or balance of the amount withdrawn shall forthwith be repaid by the subscriber to the Fund, or in default, be ordered by the sanctioning authority to be recovered by deduction from the emoluments of the subscriber in a lump sum or in monthly instalments not exceeding twelve, as may be directed by the authority competent to sanction an advance for the grant of which special reasons are required under sub-rule (4) of Rule 13.

(4) Recoveries made under this rule shall be credited as they are made to the subscriber's account in the Fund.

15. Wrongful use of advance.—Notwithstanding anything contained in these rules, if the sanctioning authority is satisfied that money drawn as an advance from the Fund under Rule 13 has been utilised for a purpose other than that for which sanction was recorded, he shall direct the subscriber to repay the amount in question to the Fund forthwith or, in default, order the amount to be recovered by deduction in one lump sum from the emoluments of the subscriber, and if the total amount to be repaid before than half the subscriber's emoluments recoveries shall be made in monthly instalments as may be determined.

FINAL WITHDRAWAL FROM THE FUND

16. Withdrawal from the Fund.—(1) Subject to the conditions specified herein, final withdrawals which will not be repayable may be sanctioned by the authorities competent to sanction an advance for special reasons under sub-rule (4) of Rule 13, at any time as follows:

Note.—Forms of application and sanction order are given in Appendix 'B'.

(*A*) After the completion of twenty years of service (including periods of suspension followed by reinstatement and other broken periods of service,

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if any) of a subscriber or within ten years before the date of his retirement on superannuation, whichever be earlier from the amount standing to his credit in the Fund, for one or more of the following purposes, namely :

(*a*) meeting cost of higher education, including where necessary, the travelling expenses, of the subscriber or any dependent child of the subscriber in the following cases namely—

(*i*) education outside India for academic, technical, professional or vocational course beyond the High School stage, and

(*ii*) medical, engineering or other technical or specialised course in India beyond the High School stage ;

(*b*) meeting the expenditure in connection with the marriage of the subscriber's sons or daughters and any other relation actually dependent on him ;

(*c*) meeting the expenses in connection with the illness, confinement or disability including where necessary the travelling expenses, of the subscriber members of his family or any other person actually dependent on him.

(B) After the completion of twenty years of service (including periods of suspension followed by reinstatement and other broken periods of service, if any and of subscriber or within ten years before the date of his retirement on superannuation whichever, be earlier, and subject to the restrictions in respect of pay in force for the eligibility of advance for the purchase of a motor car, motor cycle or scooter (including moped) under the rules in the Financial Handbook Volume V, Part I, from the amount standing to his credit in the Fund, for one or more of the following purposes, namely—

(*i*) purchasing a motor car, motor cycle or scooter (including moped) or for repaying an advance already taken for the purpose under the rules in Financial Handbook Volume V, Part I.

(*ii*) extensive repairs or overhauling of his motor car, motor cycle or scooter.

(C) After the completion of fifteen years of service (including period of suspension followed by reinstatement and other broken periods of service, if any), of a subscriber or within ten years before the date of his retirement on superannuation, whichever be earlier from the amount standing to his credit in the Fund for one or more of the following purposes, namely :

(*a*) Building or acquiring a suitable house or ready-built flat for his residence including the cost of the site.

(*b*) Repaying an outstanding amount on account of loan expressly taken for building or acquiring a suitable house or ready-built flat for his residence.

(*c*) Purchasing a site for building a house for his residence or repaying any outstanding amount on account of loan expressly taken for his purpose.

(*d*) Reconstructing or making additions or alterations to a house or a flat already owned or acquired by a subscriber.

(*e*) Renovation, additions or alterations or upkeep of an ancestral house.

(*f*) Constructing a house on a site purchased under sub-clause (*c*).

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(D) After the completion of three years of service (including periods of suspension followed by reinstatement and other broken periods of service, if any), of a subscriber from the amount standing to his credit in the Fund for the purpose of paying premium/premia of policies of life insurance, not exceeding four, including existing policies hitherto being financed from the Fund, effected by the subscriber on his own life or on the joint lives of the subscriber and his/her wife or husband.

(E) Within twelve months before the date of the subscriber's retirement, from the amount standing to his credit in the Fund for the purpose of acquiring a farm land or bussiness premises or both.

Note 1.—Only one withdrawal shall be allowed for the same purpose under this rule. But marriage of different children or illness on different occasions or a further addition or alteration to a house or flat covered by a fresh plan duly approved by the municipal body of the area where the house or flat is situated or payment of premium/premia of policies of life insurance and education of children in different years shall not be treated as the same purpose. If two or more marriages are to be celebrated simultaneously the amount admissible in respect of each marriage will be determined as if the withdrawals are sanctioned separately one after the other.

Note 2.—Second of subsequent withdrawal under sub-clause (*a*) or (*b*) of clause (*C*) for completion of the same house shall be allowed up to the limit laid down under Note 5.

Note 3.—Only one withdrawal shall be allowed in a year for the payment of premium/premia of all policies of life insurance.

Note 4.—A subscriber who has availed himself of an advance for house-building purpose under the rules in the Financial Handbook, Volume V, Part I or has been allowed any assistance in this regard from any other Government source, shall be eligible for the grant of final withdrawal under sub-clauses (*a*), (*c*), (*d*) and (*f*) of clause (*C*) for the purposes specified therein and also for the purpose of repayment of any loan taken under the aforesaid rules subject to the limit specified in sub-rule (1) of Rule 17.

Note 5.—The house, flat or site for a house for which the amount, as aforesaid is proposed to be withdrawn shall be situated at the place of duty of the subscriber or his intended place of residence after retirement. If a subscriber has an ancestral house or built a house at a place other than the place of his duty with the assistance of loan taken from the Government, he shall be eligible for the grant of a final withdrawal under sub-clauses (*a*), (*c*) and (*f*) of clause (*C*) for purchase of a house site or for construction of another house or for acquiring a ready-built flat at the place of his duty.

Note 6.—Withdrawal for the purposes specified in clause (*C*) shall be sanctioned after the sanctioning authority has satisfied itself that—

(*i*) the amount is actually required for the purpose mentioned by the subscriber;

(*ii*) the subscriber possesses or intends to acquire forthwith the right to build a house on the proposed site;

(*iii*) the amount withdrawn together with such other private savings, if any, as the subscriber may have, would be sufficient to build, acquire or redeem the house of the type proposed;

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(*iv*) in the case of withdrawal for the purchase of a house site, house or ready-built flat, the subscriber will secure an undisputed title to the house-site, house or flat including the site ;

(*v*) for the purposes referred to in clause (*iv*) above, the subscriber has produced necessary deeds and papers to the sanctioning authority proving his title in respect of the property in question.

Note 7.—The amount proposed to be withdrawn under sub-clause (*b*) of clause (*C*) together with the amount previously withdrawn, if any, under sub-clause (*a*), shall not exceed 3/4th of the balance on the date of application.

Note 8.—Withdrawal under sub-clauses (*a*) or (*d*) of clause (*C*) shall also be allowed where the house site or house is in the name of wife or husband provided she or he is the first nominee to receive Provident Fund money in the nomination made by the subscriber.

Explanation 1.—Where a subscriber already owns a house-site or a house or a flat, other than such share in a joint property as is not suitable for independent residential purpose he will not be sanctioned a withdrawal for the purchase, building, acquisition or redemption of a house site or a house, or a flat as the case may be.

Explanation 2.—Withdrawal may also be allowed for acquiring or building a house or a plot of land on lease from local bodies.

Explanation 3.—Withdrawal is permissible for repayment of any sort of loan taken for house-building purposes whether the same has been taken from a private party or from Government under the Financial Handbook, Volume V, Part I, or under the Low or Middle Income Group Housing Scheme.

Note 9.—Subject to the monetary limits laid down in clause (*b*) of sub-rule (1) of Rule 17, a withdrawal for the purchase of a motor car, motor cycle or scooter (including moped) may also be allowed when the subscriber has already taken an advance for the same purpose under the rules in the Financial Handbook, Volume V, Part I provided that the total amount from both these sources does not exceed the actual price of the motor car, motor cycle or scooter, as the case may be.

Note 10.—The Life Insurance policies in respect of which withdrawal are sanctioned under clause (*d*) should not have been effected for the benefit of any beneficiary other than the wife or husband of the subscriber or the wife or husband and children of the subscriber or any of them.

Note 11.—A withdrawal under this rule shall not be sanctioned if an advance under Rule 13 is being sanctioned for the same purpose and at the same time.

(2) Whenever a subscriber is in a position to satisfy the competent authority about the amount standing to his credit in the Fund with reference to his G.P.F. passbook or the latest available statement of General Provident Fund Account issued by the Account Officer under Rule 27, together with the evidence of subsequent subscriptions, the competent authority may sanction withdrawal within the prescribed limit. In doing so, the competent authority shall take into account any withdrawal or advance already sanctioned in favour of the subscriber. The sanction for the withdrawal must

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indicate the General Provident Fund Account number and a copy thereof be endorsed to the drawing and disbursing officer maintaining the G.P.F. passbook as well as to the Account Officer.

(3) Ordinarily no withdrawal will be sanctioned to a subscriber during the last six months preceding his retirement on superannuation. In special case in which the sanction of such a withdrawal is unavoidable, it may be sanctioned but it will be the responsibility of the sanctioning authority to ensure that such a sanction is promptly notified to the Account Officer in the case of a Group 'D' employee and to the drawing and disbursing officer and the Account Officer in the case of other subscribers, and acknowledgement thereof obtained from them without any delay. It will also be ensured by the above authorities that the amount of withdrawal is duly adjusted against the amount to be paid to the subscriber under sub-rule (4) or clause (*b*) of sub-rule (5) of Rule 24, whichever is applicable.

17. Conditions for withdrawal.—(1) (*a*) Any sum withdrawn by a subscriber at any one time for one or more of the purposes specified in clauses (A), (C), (D) or (E) of Rule 16 from the amount standing to his credit in the Fund shall not ordinarily exceed one-half of such amount or six month's pay, whichever is less. In special cases the sanctioning authority may however, sanction the withdrawal of an amount in excess of this limit upto 3/4th of the balance at his credit in the Fund having due regard to (*i*) the object for which the withdrawal is being made and (*ii*) the amount to his credit in the Fund :

Provided that in no case the amount of withdrawal for purposes specified in sub-clauses (*d*) and (*e*) of clause (*C*) of sub-rule (1) of Rule 16 shall exceed Rs. 25,000.

Note 1.—In the case of construction of a house, if the amount of withdrawal exceeds Rs. 25,000 it will ordinarily be permitted to be drawn in two instalments. However, if the subscriber applied for the entire amount of withdrawal to be released in one instalment and the sanctioning authority is satisfied with the justification given therefor, the entire amount may be released accordingly. The sanction will be issued for the entire amount of the withdrawal and if it is to be drawn in instalments, the number thereof will be specified in the sanctioning order.

Note 2.—For outright purchase of a site, house or flat, or for the repayment of a loan taken for the purpose, the withdrawal may be allowed in one instalment. In cases where a subscriber has to pay in instalments for a site or a house or flat purchased, or a house or flat constructed under a scheme, including a Self-financing Scheme, of a Development Authority, Housing Board, Local Body or House Building Co-operative Society, he shall be permitted to make a withdrawal as and when he is called upon to take a payment of any instalment, every such payment shall be treated as a payment for a separate purpose for the purposes of sub-rule (1) of Rule 16.

(*b*) The amount of withdrawal for the purposes specified in sub-clause (*i*) of clause (B) of sub-rule (1) of Rule 16 shall be limited to Rs. 50,000 or one-half of the amount standing to the credit of the subscriber in the Fund or the actual price of the motor car, motor cycle or scooter (including moped), as the case may be, whichever is the least.

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(*c*) The amount of withdrawal for the purposes specified in sub-clause (*ii*) of clause (B) of sub-rule (1) of Rule 16 shall be limited to Rs. 5,000 or one-half of the amount standing to the credit of the subscriber in the Fund or the actual amount of repairing or overhauling, whichever is the least.

(2) A subscriber who has been permitted to withdraw money from the Fund under Rule 16 shall satisfy the sanctioning authority within a reasonable period as may be specified by that authority that the money has been utilised for the purpose for which it was withdrawn, and if he fails to do so. The whole of the sum so withdrawn or so much thereof has not been utilised for the purpose for which it was withdrawn, shall forthwith be repaid in one lump sum by the subscriber to the Fund and in default of such payment, it shall be ordered by the sanctioning authority to be recovered from his emoluments either in a lump sum, or in such number of monthly instalments, as may be determined.

Note 1.—The withdrawal for marriage shall be utilised within three months.

Note 2.—The construction of the house shall be commenced within six months of withdrawal of money and should be completed within a period of one year from the date of commencement of construction. If however, the house is to be purchased or redeemed or a private loan previously raised for the purpose has to be repaid, this should be done within three months of the withdrawal.

Note 3.—The house-site shall be purchased within a period of one month of the withdrawal, or the withdrawal of the first instalment, as the case may be. In fulfilment of this condition, the sanctioning authority may require the production of receipts issued by the seller, the house building society, etc. in token of the amount of the withdrawal/instalment having been utilised for making payment towards purchase of the site.

Explanation.—The actual expenditure incurred in connection with sale or transfer deeds may be reckoned as part of the cost of the house or house-site.

Note 4.—The withdrawal for an insurance policy shall be utilised by the date on which premium was due to be paid and the subscriber shall be required to produce attested or photostat copy of the receipt issued by the Life Insurance Corporation failing which no further withdrawal for this purposes shall be permitted.

(3) A subscriber who has been permitted under sub-clauses (*a*), (*b*) or (*c*) of clause (*C*) of sub-rule (1) of Rule 16 to withdraw money from the amount standing to his credit in the Fund shall not part with the possession of the house built or acquired or house-site purchased with the money so withdrawn, whether by way of sale, mortgage (other than mortgage to the Governor), gift, exchange or otherwise, without the previous permission of the Governor:

Provide that such permission shall not be necessary for—

(*i*) the house or house-site being leased for any term not exceeding three years, or

(*ii*) its being mortgaged in favour of a Housing Board, Development Authority, Local Body, Nationalised Bank, the Life Insurance Corporation or any other Corporation owned or controlled by

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the Central or the State Government which advances loans for the construction of a new house or for making additions or alterations to an existing house.

18. Conversion of an advance into a withdrawal.—The authority competent to sanction an advance for special reasons under sub-rule (4) of Rule 13 may, on a written request from a subscriber who has earlier drawn a temporary advance under Rule 13 for a purpose for which a final withdrawal is also admissible under Rule 16, convert the outstanding balance of the advance into a withdrawal, subject to the fulfilment of conditions laid down in Rules 16 and 17.

Note 1.—The drawing and disbarsing officer shall on receipt of information from the competent authority mentioned above, regarding conversion of an advance into a withdrawal, stop recovery from the pay bills. In the case of gazetted subscribers who are self-drawing officers, the competent authority shall endorse a copy of the order regarding such conversion to the Treasury Officer from where the subscriber draws his pay in order to enable the former to stop futher recoveries. In every case of conversion the competent authority shall endorse a copy of his order to the Account Officer also.

Note 2.—The amount of an advance to be converted into a withdrawal shall not exceed the limits laid down in sub-rule (1) of Rule 17 and for this purpose the balance in the account of the subscriber at the time of conversion plus the outstanding amount of advance shall be taken as the balance at his credit in the Fund. Each withdrawal shall be treated as a separate one and the same principle shall apply in the event of more than one conversion.

RE-ASSIGNMENT OF INSURANCE POLICIES

19. Re-assignment of Insurance Policies.—After the commencement of these Rules, the Account Officer shall take the following action in respect of the existing policies hereto being financed from the Fund:

(*i*) If the the policy been assigned to the Governor under the rules heretofore in force, reassign the policy in Form (1) in the Third Schedule to the subscriber, or to the subscriber and the joint assured, as the case may be, and make it over to the subscriber together with a signed notice of the reassignment addressed to the Life Insurance Corporation;

(*ii*) if the policy had simply been delivered to him under the rules heretofore in force, make over the policy to the subscriber;

(*iii*) if the subscriber has died, the Account Officer shall—

(*a*) if the policy had been assigned to the Governor under the rules heretofore in force, re-assign the policy in Form (2) in the Third Schedule to such person as may be legally entitled to receive it, and shall make over the policy to such person together with a signed notice of the re-assignment addressed to the Life Insurance Corporation;

(*b*) if the policy had simply been delivered to him under the rules heretofore in force, make over the policy to the beneficiary, if any or, if there is no beneficiary, to such person as may be legally entitled to receive it:

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Provided that if a policy assigned to the Governor has matured or fallen due for payment by reason of the death of the subscriber's wife or husband and the amount assured has been realised by the Account Officer from the Life Insurance Corporation and credited to the account of the subscriber, the said policy need not be reassigned.

FINAL PAYMENTS OF ACCUMULATIONS IN THE FUND

20. Final payments of accumulations in the Fund.—When a subscriber quits the service, the amount standing to his credit in the Fund shall become payable to him :

Provided that a subscriber, who has been dismissed from service and is subsequently reinstated shall, if required to do so by the Government, repay any amount paid to him from the Fund in pursuance of this rule, in a lump sum or in instalments as may be determined. The amount so repaid shall be credited to his account :

Provided futher that where a subscriber after quitting the service takes up appointment, with or without any break, on a new post under the Central Government, another State Government or an Undertaking the amount of his subscription together with interest thereon may, if he so desires, be transferred to his new Provident Fund Account if the concerned Government or Undertaking, as the case may be, also agree to such a transfer. If, however, the subscriber does not opt for such transfer or the concerned Government or Undertaking does not agree to it, the amount aforesaid shall be refunded to the subscriber.

21. Retirement of subscriber.—When a subscriber—

(*a*) has proceeded on leave preparatory to retirement or if he is employed in a vacation department, on leave preparatory to retirement combined with vacation, or

(*b*) while on leave, has been permitted to retire or has been declared by a competent medical authority to be unfit for futher service,

the amount standing to his credit in the Fund shall, upon application made by him in that behalf becomepayable to the subscriber :

Provided that, if in a case covered by clause (*b*) the subscriber returns to duty, he may at his discretion repay to the Fund for credit to his account, the amount paid to him in pursuance of this rule.

22. Procedure on death of subscriber.—On the death of a subscriber before the amount standing to his credit has become payable, or where the amount has become payable, before payment has been made, the amount at the credit of the subscriber shall be paid in the following manner :—

(*i*) When the subscriber leaves a family and—

(*a*) if a nomination made by the subscriber in accordance with the provisions of Rule 5, or of the corresponding rule heretofore in force, in favour of a member or members of his family subsists, the amount standing to his credit in the Fund or the part thereof to which the nomination relates shall become payable to his nominee or nominees in the proportion specified in the nomination :

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(*b*) if no such nomination in favour of a member or members of the family of the subscriber subsists, or if such nomination relates only to a part of the amount standing to his credit in the Fund, the whole amount or the part thereof to which the nomination does not relate, as the case may be, shall, notwithstanding any nomination purporting to be in favour of any person or persons other than a member or members of his family, become payable to the members of his family in equal shares :

Provided that no share shall be payable to—

(1) sons who have attained majority ;

(2) sons of a deceased son who have attained majority ;

(3) married daughters whose husbands are alive ;

(4) married daughters of a deceased son whose husbands are alive ;

if there is any member of the family other than these specified in clauses (1), (2), (3) and (4) :

Provided further that the widow or widows and the child or children of a deceased son shall receive between then in equal parts only the share which that son would have received if he had survived the subscriber and had been exempted from the provisions of clause (1) of the first proviso.

Note 1.—Any sum payable under this rule to a member of the family of a subscriber vests in such member under sub-section (2) of Section 3 of the Provident Funds Act, 1925.

Note 2.—When a nominee is a dependent of the subscriber as defined in clause (*c*) of Section 2 of the Provident Funds Act, 1925, the amount vests in such nominee under sub-section (2) of Section 3 of the Act.

(*ii*) When the subscriber leaves no family, if a nomination made by him in accordance with the provisions of Rule 5, or of the corresponding rule heretofore in force, in favour of any person or persons subsists, the amount standing to his credit in the Fund or the part thereof to which the nomination relates, shall become payable to his nominee or nominees in the proportion specified in the nomination.

(*iii*) When the subscriber leaves no family and no nomination made by him in accordance with the provisions of Rule 5 subsists, or if such nomination relates only to part of the amount standing to his credit in the Fund, the relevant provisions of clause (*b*) and of sub-clause (*ii*) of clause (*c*) of sub-section (1) of Section 4 of the Provident Funds Act, 1925 shall be applicable to the whole amount or the part thereof, to which the nomination does not not relate.

23. Deposit—linked Insurance Scheme.—On the death of a subscriber during service, the Account Officer in the case of subscribers belonging to Group 'D' and the authority specified in paragraph 2 of the Second Schedule in other cases shall sanction subject to the following conditions payment of an additional amount equal to the average balance in the account during the 3 years immediately preceding the death of such subscriber and arrange its prompt disbursement to the person entitled to

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receive the amount standing to the credit of the subscriber by the drawing and disbursing officer :—

(*a*) The balance at the credit of such subscriber shall not at any time during the three years preceding the month of death have fallen below the limits of—

(*i*) Rs. 4,000 in the case of a subscriber belonging to Group 'A' (*i.e.* a Gazetted Officer who has held for the greater part of the aforesaid period of three years a post the maximum of the pay scale of which is more than Rs. 1,720) :

(*ii*) Rs. 2,500 in the case of a subscriber belonging to Group 'B' (*i.e.* a Gazetted Officer who has held, for the greater part of the aforesaid period of three years, a post the maximum of the pay scale of which is not more than Rs. 1,720) ;

(*iii*) Rs. 1,000 in the case of a subscriber belonging to Group 'C' (*i.e.* a non-gazetted officer who has held for the greater part of the aforesaid period of three years a post the minimum of the pay scale of which is Rs. 354 or more) ;

(*iv*) Rs. 500 in the case of a subscriber belonging to Group 'D' (*i.e.* all other non-gazetted officials) ;

(*b*) The additional amount payable under this rule shall not exceed Rs. 10,000 ;

(*c*) The subscriber has put in atleast five years service at the time of his death.

Note 1.—The average balance shall be worked out on the basis of the balance at the credit of the subscriber at the end of each of the 36 months preceding the month in which the death occurs. For this purpose as also for checking the minimum balance prescribed above—

(*a*) the balance at the end of March shall include the annual interest credited in terms of Rule 11 ; and

(*b*) if the last of the aforesaid 36 months is not March, the balance at the end of the said last month shall include interest in respect of the period from the beginning of the financial year in which death occurs to the end of the said last month.

Note 2.—Payments under this scheme should be in whole rupees. The amount shall be rounded off to the nearest whole rupee, a part of the rupee less than fifty paise shall be ignored and any other part shall be counted as next higher rupee.

Note 3.—Any sum payable under this scheme is in the nature of insurance money and, therefore, the protection given by Section 3 of the Provident Funds Act, 1925 does not apply to sums payable under this scheme.

Note 4.—Where a Government servant has been admitted to the Fund under Rule 25 or 26 but dies before completion of three years of service or as the case may be, five years of service from the date of his admission to the Fund, that period of his service under the previous employer in respect whereof the amount of his subscriptions and employer's contribution if any, together with interest have been received, shall count for purposes of clause (*a*) and clause (*c*). The average balance referred to in Note 1 above in respect of service under the previous employer shall be worked out on the basis of the records of that employer.

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Note 5.— In case of subscribers other than those belonging to Group 'D' the amount paid under this rule shall be intimated to the Account Officer who will check the calculations and if it is found that an excess amount had been paid, the said amount shall be deducted from the residual amount to be paid under clause (*c*) of sub-rule (5) of Rule 24 and the payment of the remaining balance only after such deduction shall be authorised by the Account Officer. In case any short payment is found to have been made under this rule, the balance due shall be added to the aforesaid residual amount and the payment of such total amount authorised by the Account Officer.

24. Manner of payment of amount in the Fund.—(1) When the amount standing to the credit of a subscriber in the Fund becomes payable it shall be paid as provided in Section 4 of the Provident Funds Act, 1925 in the manner hereinafter prescribed.

(2) If the person to whom, under these rules, any amount or policy is to be paid, assigned, reassigned or delivered is a lunatic for whose estate a manager has been appointed in this behalf under the Indian Lunacy Act, 1912, the payment or reassignment or delivery will be made to such manager and not to the lunatic.

(3) Payment shall be made in India in rupees only. The person to whom the amount is payable shall make his own arrangement to receive payment in India.

(4) Where the subscriber was a Group 'D' employee, an application in Form 425-B set forth in the Fourth Schedule shall be made to the Account Officer, ordinarily, in the case of retirement on superannuation six months prior to the date of retirement and within one month from the date on which the amount became payable, in other cases. The Account Officer shall, subject to adjustment if any, make payment of the amount standing to the credit of the subscriber in his G.P.F. passbook on the date of retirement in case of retirement on superannuation and within three months from the date on which the amount became payable in other cases.

(5) (*a*) In the case of other subscribers two applications in Form 425-A set forth in the Fourth Schedule shall be made to the drawing and disbursing Officer, in triplicate, one for payment of 90 per cent of balance in the G.P.F. passbook and the other for the residual amount. Ordinarily, the applications shall be made six months prior to the date of retirement in case of retirement on superannuation and within one month from the date on which the amount became payable in other cases.

(*b*) The drawing and disbursing officer shall thereupon, prepare calculation sheets on the prescribed form of the current as well as five preceding financial years, in triplicate, and forward, within one month from the date of receipt of the applications, two copies of the calculation sheets with two copies of the applications and G.P.F. passbook to the senior most officer dealing with accounts attached to the Head of the Department, who, after subjecting them to appropriate checks, forward the same, within one month to the sanctioning authority mentioned in paragraph 2 of the Second Schedule within his recommendation for payment of 90 per cent of the balance of G.P.F. passbook. Such sanctioning authority shall pass an order for the payment of 90 per cent of the balance of G.P.F. on the application and communicate the same to the drawing and

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disbursing officer, the Treasury Officer concerned and the Account Officer, in the form set forth in Appendix "C" so as to enable the recipient to receive the payment, in case of retirement on superannuation on that date of retirement, and within three months from the date on which the amount became payable, in the other cases.

Note.—Where, in any department, there is no officer dealing with accounts the checking of calculation sheets shall be done by the officer in charge of the Treasury of the concerned district.

(*c*) The sanctioning authority shall forward to the Account Officer the application, duly completed, along with the order of sanction of 90 per cent balance and the copies of the calculation sheets with the G.P.F. passbook to enable him to authorise payment of the residual amount. In case of retirement on superannuation the application shall be forwarded 3 months before the date of retirement and in other cases without avoidable delay. Account Officer shall after reconciliation of Account and subject to adjustment, if any, issue order for payment of the residual amount so as to enable the recipient to receive the payment, in case of retirement on superannuation on the date of retirement or as soon thereafter as may be but, in any case, not later than three months after such date, and within three months from the date on which the amount became payable, in other cases.

TRANSFER OF ACCUMULATIONS IN THE FUND

25. Procedure on appointment to Government service of a person from the service of Central or any other State Government.—(*a*) If a Government servant who is a subscriber to a non-contributory Provident Fund of the Central or any other State Government is appointed to the service of the Uttar Pradesh Government permanently or temporarily and is likely to be made permanent in due course, the balance at his credit in such other Fund on the date of transfer may, with the consent of the other Government, be transferred to his credit in the Fund.

(*b*) If a Government servant who is a subscriber to a Contributory Provided Fund of the Central or any other Government is appointed to the service of the Uttar Pradesh Government permanently or temporarily and is likely to be made permanent in due course—

(*i*) the balance at his credit in such Contributory Provident Fund on the date of such appointment shall, with the consent of the other Government be transferred to his credit in the Fund;

(*ii*) the amount of such other Government contribution, with interest thereon, standing to his credit in the Contributory Provident Fund shall, with the consent of the other Government, be credited to the State Revenues.

26. Procedure on transfer to Government service of a person from the service of an Undertaking.—If a person admitted to the Fund was previously a subscriber to a Provident Fund of an Undertaking or governed by the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (Act No. 19 of 1952), the amount of his subscriptions and the employer's contribution, if any, together with the interest thereon, may be transferred to his credit in the Fund, with the consent of that body.

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RULES OF PROCEDURE

27. **Annual statement of account to be supplied to subscriber.**—(1) The Account Officer shall within six months after the close of each year, send to each subscriber a statement of his account in the Fund showing the opening balance as on the lst April of the year, the total amount credited or debited during the year, the total amount of interest and Incentive Bonus, if any, credited as on the 31st March of the year and the closing balance on that date.

(2) The Account Officer shall also give on reverse of the statement of account full particulars of missing credits, if any.

(3) Subscribers should satisfy themselves as to the correctness of the annual statement and errors should be brought to the notice of the Account Officer within three months from the date of its receipt, along with relevant extracts from the G.P.F. passbook, duly verified by the drawing and disbursing officer concerned.

28. **General Provident Fund Passbook.**—(1) All drawing and disbursing officers shall maintain a G.P.F. pass-book in respect of the General Provident Fund Account of each subscriber working under them, in such manner and in such form as may be prescribed by the Government and the subscriber shall be entitled to receive a copy of the G.P.F. passbook on payment of such fee as may be prescribed and to get it undated at such intervals and in such manner as may be prescribed by the Government.

(2) When a subscriber is transferred to another Government Department or an Undertaking, his passbook completed in all respects till the date of his transfer shall be forwarded to such other Government Department or Undertaking along with his Last Pay Certificate and a mention regarding the closing balance as on the date of transfer in the G.P.F. passbook shall be made in the Last Pay Certificate. The pass book so received will be maintained by such Government Department/Undertaking in the same manner as prescribed in sub-rule (1).

FIRST SCHEDULE

[*See* Rule 5(3)]

FORM OF NOMINATION

Whether the subscriber has a family.....Yes/No. General Provident Fund Account No.....

I.....(full name) hereby nominate the person(s) mentioned below who is/are member(s)/not member(s) of my family as defined in Rule 2(*c*) of the General Provident Fund (Uttar Pradesh) Rules 1985 to receive the amount that may stand to my credit in the Fund as indicated below in the event of my death before that amount has become payable or having become payable has not been paid.

Name and full address of the nominee(s)	Relationship with the subscriber	Age of the nominee(s)	Share payable to each nominee
1	2	3	4

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Contingencies on the happening of which the nomination will become invalid	Name, address and relationship of the person(s) if any to whom the right of nominee shall pass in the event of his predeceasing the subscriber
5	6

Date.....month.....19.....

Station :

Two witnesses to signature

Name, Address and Signature *Signature of the subscriber*

1. .....

2. *Name in Block letters*.....

Designation.....

Note.—A subscriber who has a family at the time of making nomination shall make such nomination only in favour of a member or members of his family. In case of a subscriber who had no family at the time of making nomination it shall become invalid in the event of his subsequently acquiring a family.

(*Reverse of the form*)

Space for use by the Head of the Department/Head of Office.

.....

Nomination by Sri/Smt./Kumari.....Designation.....

Date of receipt of nomination.....

Signature.....

Head of Department/Head of Office

Designation.....

Date.....

Instructions for the subscriber :

(*a*) State whether you have a family—Definition of term 'family' as given in the General Provident Fund (Uttar Pradesh) Rules, 1985 is reproduced below :

Family means

(*i*) in the case of a male subscriber the wife/wives and children of a subscriber, and the widow or widows and children of a deceased son of the subscriber provided that if a subscriber proves that his wife has been judicially separated from him or has ceased under the customary law of the community

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to which she belongs, to be entitled, to maintenance, she shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these rules relate, unless the subscriber subsequently intimates in writing to the Account Officer that she shall continue to be so regarded;

(*ii*) in the case of a female subscriber the husband and children of a subscriber, and the widow or widows and children of a deceased son of a subscriber, provided that if a subscriber by notice in writing to the Account Officer expresses her desire to exclude her husband from her family, the husband shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these rules relate, unless the subscriber subsequently cancels such notice in writing.

Note.—Child means a legitimate child and includes an adopted child, where adoption is recognised by the personal law governing the subscriber.

(*b*) Account number should be written correctly.

(*c*) Column 4—If only one person is nominated the words 'in full' should be written against the nominee. If more than one person is nominated the share payable to each nominee, covering the whole amount of the Provident Fund, shall be specified.

(*d*) Column 5—Death of nominee(s) should not be mentioned as contingency in this column.

(*e*) Column 6—Do not mention your name in this column.

(*f*) Draw line across the blank space below last entry to prevent insertion of any name after you have signed.

SECOND SCHEDULE

[*See* Rule 13]

AUTHORITIES COMPETENT TO GRANT TEMPORARY ADVANCES

1. An advance for the grant of which special reasons are not required under sub-rule (4) of Rule 13, may be sanctioned by the authority competent to grant an advance of pay on transfer under paragraph 249 of the Financial Handbook, Volume V, Part I.

2. An advance for the grant of which special reasons are required under sub-rule (4) of Rule 13, may be sanctioned by the following authorities or such other authorities as may be declared competent by the Government from time to time.

(*i*) A Department of the Government of Uttar Pradesh.

(*ii*) The following heads of departments and other authorities namely:

(1) A Secretary to Government.

(2) The Secretary, Board of Revenue.

(3) The High Court of Judicature at Allahabad.

(4) The Commissioners of Divisions.

(5) The Principal Chief/Chief Conservators of Forests.

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(6) The Engineer-in-Chief/Chief Engineers of Public Works Department.
(7) The Directors of Education/Higher Education and Additional Directors of Education/Secondary Education.
(8) The Director of Medical Health and Family Welfare.
(9) The Director-General/Inspectors General of Police.
(10) The Inspector-General of Prisons.
(11) The Legal Remembrancer.
(12) The Conservators of Forests.
(13) The Superintending Engineers, Public Works Department.
(14) The Director of Agriculture.
(15) The Director of Industries.
(16) The Commissioner of Excise.
(17) The Inspector-General of Registration.
(18) The Registrar, Co-operative Societies.
(19) The Director of Animal Husbandry.
(20) The President, Legislative Council.
(21) The Speaker, Legislative Assembly.
(22) The President, Court of Wards.
(23) The Hydro-Electric Engineer, Irrigation Branch.
(24) The Chairman, Public Service Commission.
(25) The Secretary to the Governor.
(26) The Labour Commissioner.
(27) The Transport Commissioner.
(28) The Chief Mechanical Engineer, Mechanical Engineering Department, U.P. Government, Kanpur.
(29) The Joint Director of Agriculture.
(30) The Deputy Directors of Education.
(31) The Cane Commissioner.
(32) The Sales Tax Commissioner.
(33) The Land Reforms Commissioner.
(34) The Director of Panchayat Raj.
(35) The Chief Electrical Inspector to Government.
(36) The Director of Training and Employment.
(37) The Commissioner for Agricultural Production and Rural Development.
(38) The Director of Economic Intelligence and Statistics.
(39) The Director of Fruit Utilisation, Uttar Pradesh
(40) The Director of Information.
(41) The Consolidation Commissioner.
(42) The Director of Vigilance.
(43) The Chief Audit Officer, Co-operative Societies and Panchayats.

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(44) The Principal K.N. College, Gyanpur (Varanasi).

(45) The Presiding Officer, Industrial Tribunal.

(46) The Chairman, Vigilance Commission and President Administrative Tribunal (1).

(47) The Additional Director of Industries.

(48) The Entertainment and Betting Tax Commissioner.

(49) The Food Commissioner.

(50) The Director of Treasuries.

(51) The Director of Lotteries.

(52) The Director of Cultural Affairs.

(53) The Additional Director (Administration), Medical, Health and Family Welfare.

(54) The Divisional Joint Directors, Medical, Health and Family Welfare.

(55) The Secretary, Lok Ayukt.

(*iii*) in respect of non-gazetted officers only :—

(*a*) The Deputy Inspectors General of Police (in respect of staff above the rank of Head Constable).

(*b*) The Deputy Inspector-General Government Railway Police.

(*c*) The District and Sessions Judges.

(*d*) The Director, Printing and Stationery.

(*e*) The District Officers.

(*f*) The Superintendents of Police (in respect of Head Constables and Constables).

(*g*) The Joint Director, Printing and Stationery.

(*h*) The Director, National Cadet Corps.

(*i*) The Deputy Food Commissioner (in respect of Non-gazetted staff at Headquarter).

(*j*) The Regional Food Controllers (in respect of all non-gazetted staff under them).

(*k*) The Deputy Director, N.C.C.

(*l*) The Additional Cane Commissioner (Administration).

(*m*) The Deputy Sales Tax Commissioner.

(*n*) The Zonal Additional/Joint/Deputy Directors of Industries.

Provided that no subscriber shall sanction an advance to himself.

Where a subscriber himself is the authority referred to in paragraphs 1 and 2 above, an advance to him under these rules shall require the sanction of the next higher authority.

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THIRD SCHEDULE

[*See* Rule 19]

FORMS OF REASSIGNMENT BY THE GOVERNOR OF THE UTTAR PRADESH

FORM (1)

In pursuance of Rule 19 of the General Provident Fund (Uttar Pradesh) Rules, 1985, the Governor of the Uttar Pradesh doth hereby reassign the within policy of assurance to the above-named A.B./A.B. and C.D.

Dated this.....day of.....19.....

Executive by....., Account Officer of the Fund for and on behalf of the Governor of the Uttar Pradesh, in the presence of.....

YZ — XY

(One witness who should add his designation and address.) — *Signature of the Account Officer*

FORM (2)

The above named A.B. having died on the..... day of....., 19.....the Governor of the Uttar Pradesh doth hereby reassign the within policy of assurance to C.D.....* in pursuance of Rule 19 of the General Provident Fund (Uttar Pradesh) Rules 1985.

Dated this.....day of.....19.....

Executed by....., Account Officer of the Fund for and on behalf of the Governor of the Uttar Pradesh, in the presence of.....

YZ — XY

(One witness who should add his designation and address.) — *Signature of the Account Officer*

*Fill in particulars of persons legally entitled to receive the policy.

FOURTH SCHEDULE

[*See* Rule 24(5)(*a*)(4)]

FORM 425-A

(For Government servants other than those belonging to Group 'D')

Part I

FORM OF APPLICATION FOR FINAL PAYMENT OF 90 PER CENT OF BALANCE

IN THE GENERAL PROVIDENT FUND ACCOUNT

To

.....

.....

.....

(Drawing and Disbursing Officer)

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Sir,

I am due to retire/have proceeded on leave preparatory to retirement for.....months/have resigned from Government service and my resignation has been accepted/have been discharged/dismissed with effect from.....forenoon/afternoon.

2. I request that 90 per cent of the balance at my credit in my General Provident Fund Account, with interest and bonus (if any) due under the rules, may be paid to me. My Provident Fund Account No. is.. .....

3. A sum of Rs.....was last deducted as Provident Fund subscription from my pay bill for the month of..... 19.....

4. I certify that I have neither drawn any temporary advance nor made any final withdrawal from my Provident Fund Account during the current as well as five preceding financial years.

Details of final withdrawals/last temporary advance together with details of recovery, taken by me from my Provident Fund Account during the current as well as five preceding financial years are given below :—

A—Final Withdrawals

Serial No.	Amount of withdrawal	Date of drawal
(1)		
(2)		
(3)		
(4)		

B—Temporary Advance

Amount of advance	Date of drawal	Number of instalments which amount was to be recovered	Number of instalments and amount recovered up to the date of application	Number of instalments and amount unrecovered up to the date of application	If the recovery has not been regular give reasons therefor

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5. I hereby certify that no amount was withdrawn/the following amounts were withdrawn by me from my Provident Fund Account during the current as well as five preceding financial years for payment of Insurance premia :

Serial No.	Amount	Date of drawal
1		
2		
3		
4		
5		
6		

6. The particulars of the Life Insurance policies financed by me from the Provident Fund which are to be released are given below :

Serial No.	Policy No.	Name of Branch of Life Insurance Corporation of India	Sum assured
1			
2			
3			
4			

7. I undertake that if any payment is made to me in excess of 90 per cent of the balance in the G.P.F. passbook and such excess payment has not been adjusted from the payment of residual amount or from the Gratuity, I shall pay such excess amount to the Government.

Yours faithfully,

Station :

(*Signature*)

Date :

Name and address.

Part II

FORM OF APPLICATION FOR FINAL PAYMENT OF THE RESIDUAL AMOUNT IN THE GENERAL PROVIDENT FUND ACCOUNT

To

The Accountant-General,
Uttar Pradesh, Allahabad
(*Through the Drawing and Disbursing Officer*)

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Sir,

I am due to retire/have retired/have proceeded on leave preparatory to retirement for.....months/have resigned from Government service and my resignation has been accepted/have been discharged/dismissed with effect from....., forenoon/afternoon.

2. I have submitted an application (*vide* Part I above) for the payment of 90 per cent of the balance at my credit in my General Provident Fund Account No.....with interest and bonus (if any) due under the rules. I hereby request that the residual amount, after payment of 90 per cent of the balance in my General Provident Fund Account, may also be paid to me through the Drawing and Disbursing Officer/..... .....Treasury/Sub-treasury.

*3. My specimen signatures, in duplicate, duly attested by a Gazetted Officer, are enclosed.

Station : Yours faithfully,

Date : (*Signature*)

Name and Designation

*Paragraph 3 applies only when payment is desired through a Treasury/Sub-treasury.

Part III

FORM OF APPLICATION FOR FINAL PAYMENT OF 90 PER CENT OF BALANCE IN THE GENERAL PROVIDENT FUND ACCOUNT OF A DECEASED SUBSCRIBER (TO BE USED BY NOMINEES OR OTHER CLAIMANTS WHERE NO NOMINATION SUBSISTS)

To

.....

.....

(*Drawing and Disbursing Officer*)

Sir,

It is requested that arrangements may be made for the payment of 90 per cent of the balance in the General Provident Fund Account of Sri/ Srimati.....with interest and bonus (if any) due under the rules. The necessary particulars are given below :

1. Name of the Government servant.

2. Post held by the Government servant.

3. Date of death (enclose certificate of death).

4. Provident Fund Account No.....

5. Details of members of the family, as defined in Rule 2, of the subscriber :—

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Serial No.	Name	Relationship with the subscriber	Age on the date of subscribers death	In case of a daughter or a daughter of a deceased son of the subscriber, state whether she was unmarried, married or widowed on the date of subscriber's death
1				
2				
3				
4				
5				
6				

6. Details of the nominees alive on the date of death of subscriber, if nomination subsists :—

Serial No.	Name of the nominee	Relationship with the subscriber	Share of nominee	Reasons for the claim if the nominee is not a member of the subscriber's family
1				
2				
3				
4				

7. In the case of amount due to a minor child whose mother (widow of subscriber), is not Hindu, the claim should be supported by Indemnity Bond or Guardianship Certificate, as the case may be.

8. If the subscriber has left no family and no nomination subsists the names of persons to whom the Provident Fund money is payable (to be supported by letters of probate or succession certificate, etc.) :

Serial No.	Name	Relationship with the subscriber	Address
1			
2			
3			
4			

9. Religion of the claimant(s).

10. The payment is desired through the Drawing and Disbursing Officer/through the.....Treasury/Sub-treasury.

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In this connection the following documents duly attested by a Gazetted Officer in service/Magistrate are attached :

(*i*) Personal marks of identification.

(*ii*) Left/Right hand thumb and finger impression (in the case of illiterate claimants).

(*iii*) Specimen signatures in duplicate (in the case of literate claimants).

11. I/We undertake that if any payment is made to me/us in excess of 90 per cent of the balance in the G.P.F. passbook and such excess payment has not been adjusted from the payment of residual amount or from the Gratuity, I/we shall pay such excess amount to the Government.

Station..... Yours faithfully,

Date..... *Signature of claimant(s)*

(*Full name and address*)

Part IV

FORM OF APPLICATION FOR FINAL PAYMENT OF THE RESIDUAL AMOUNT IN THE GENERAL PROVIDENT FUND ACCOUNT OF A DECEASED SUBSCRIBER (TO BE USED BY THE NOMINEES OR OTHER CLAIMANTS WHERE NO NOMINATION SUBSISTS)

To

The Accountant-General,
Uttar Pradesh, Allahabad.

(*Through the Drawing and Disbursing Officer*)

Sir,

I/We have submitted an application (*vide* Part III above) for the payment of 90 per cent of the balance in the General Provident Fund Account No.....of Sri/Srimati..... with interest and bonus (if any) due under the rules. It is requested that the residual amount, after payment of 90 per cent of the balance as aforesaid, may also be paid to me/us through the Drawing and Disbursing Officer.....Treasury/Sub-treasury.

Station..... Yours faithfully,

Date..... *Signature of claimant(s)*

(*Full name and address*)

(*For use by the Drawing and Disbursing Officer*)

1. The Provident Fund Account No.....of Sri/Srimati.....is.....

2. He/She has retired/will retire/has proceeded on leave preparatory to retirement for.....months/has resigned from Government service and his/her resignation has been accepted/has been discharged/dismissed with effect from.....forenoon/afternoon.

3. The last Fund deduction of Rs.....and recovery on account of refund of advance, Rs.....was made from his/her pay *vide* voucher No....., dated.....for

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Rs.....of.....Treasury and was included in the G.P.F. schedule for Rs.....attached with the above voucher.

4. Certified that he/she was neither sanctioned any temporary advance nor any final withdrawal from his/her Provident Fund Account during the current as well as five preceding financial years.

OR

Certified that the following final withdrawals last temporary advance were sanctioned to him/her and drawn from his/her Provident Fund Account during the current as well as five preceding financial years :—

A—Final withdrawals

Serial No.	Amount of withdrawal	Date of drawal	Voucher No.	Name of Treasury	Head of Account
1					
2					
3					
4					

B—Temporary Advance

Serial No.	Amount of advance	Date of drawal	Voucher No.	Name of Treasury	Head of Account	Month and year in which recovery completed
1						
2						

5. Certified that no amount was withdrawn/the following amounts were withdrawn from his/her Provident Fund Account during the current as well as five preceding financial years for payment of Insurance premia.

Serial No.	Amount	Date of drawal	Voucher No.	Name of Treasury	Head of Account
1					
2					
3					
4					

6. The balance in his/her G.P.F. passbook as on..... (date on which the amount became payable), including interest payable up to that date and bonus (if any) is Rs.....(in figures) Rupees.....(in words), as per calculation sheets attached and 90 per cent of the above balance comes to Rs.....

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7. Certified that no recoveries pertaining to G.P. Fund are to be made from him/her. Therefore, the payment of Rs..... (in figures) Rupees.....(in words), which is 90 per cent of the balance in the subscriber's G.P.F. passbook, to..... .....[name of subscriber or claimant(s) if he is dead] is recommended.

OR

The following recoveries pertaining to G.P. Fund are to be made from the subscriber :

Serial No.	Particulars of recoveries	Amount Rs.
1		
2		
3		
4		
	Total ..	

After deducting the amount of Rs..... on account of recoveries detailed above, the payment of Rs..... (in figures) Rupees.....(in words) only out of 90 per cent of the balance in the subscriber's G.P. Fund pass-book to.....[name of subscriber or claimant(s) if he is dead] is recommended.

*8. The subscriber died on.....A death certificate is attached.

9. Forwarded along with the calculation sheets (in duplicate) and the application for the payment of the residual amount, to.....

Date.....

Signature and Seal of Drawing and Disbursing Officer.

FOR USE BY THE CHECKING ACCOUNTS AUTHORITY

1. Certified that I have checked the attached calculation sheets and the above calculations, which are correct.

2. The payment of Rs.....(in figures) Rupees..... (in words) is recommended.

3. Forwarded to..... (sanctioning authority).

Date.....

Signature and seal of the checking accounts authority.

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(*For the use by the Sanctioning Authority*)

1. Payment of Rs.....(in figures) Rupees.....(in words) to..... [name of subscriber or claimant(s) if he is dead] sanctioned.

2. Application of payment of the residual amount along with calculation sheets and G.P. Fund passbook forwarded to the Accountant-General, Uttar Pradesh, Allahabad. The G.P.F. passbook may be returned to the Drawing and Disbursing Officer after authorising payment.

Date..... *Signature and seal of sanctioning authority.*

*Information against Serial No. 8 to be furnished, if the subscriber is dead.

FORM 425-B

(*For Government Servants belonging to Group 'D'*)

Part I

FORM OF APPLICATION FOR FINAL PAYMENT OF BALANCE IN THE GENERAL PROVIDENT FUND ACCOUNT

To

.....
.....
(Account Officer)

Sir,

I am due to retire/have retired/have proceeded on leave preparatory to retirement for.....months/have resigned from Government service and my resignation has been accepted/have been discharged/dismissed with effect from.....forenoon/afternoon.

2. I, request that arrangements may kindly be made to pay the entire amount at my credit in my General Provident Fund Account with interest and bonus (if any) due under the rules.

3. My Provident Fund Account No. is..... I desire to receive payment through the Drawing and Disbursing Officer.

4. The undermentioned life insurance policies financed by me from Provident Fund Account may kindly be released.

Policy No.	Name of Branch of Life Insurance Corporation	Sum assured
1		
2		
3		
4		

Station:
Date:

Yours faithfully,
(*Signature*)
Name
Address

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Part II

FORM OF APPLICATION FOR FINAL PAYMENT OF BALANCE IN THE GENERAL PROVIDENT FUND ACCOUNT OF A DECEASED SUBSCRIBER (TO BE USED BY THE NOMINEES OR OTHER CLAIMANTS WHERE NO NOMINATION SUBSISTS)

To,

.....
.....

(Accounts Officer)

Sir

It is requested that arrangements may be made for the payment of the accumulation in the General Provident Fund Account of Sri/Srimati..... .....with interest and bonus (if any) due under the rules. The necessary particulars required in this connection are given below :

1. Name of the Government servant ;
2. Post held by the Government servant ;
3. Date of death (enclose certificate of death) ;
4. Provident Fund Account No.....
5. Details of members of the family, as defined in Rule 2, of the subscriber :—

Serial No.	Name	Relationship with the subscriber	Age on the date of subscriber's death	In case of a daughter or a daughter of a deceased son of the subscriber, state whether she was unmarried, married or widowed on the date of subscriber's death
1				
2				
3				
4				
5				
6				

6. Details of nominee alive on the date of subscriber, if nomination subsists :

Serial No.	Name of the nominee	Relationship with the subscriber	Share of the nominee	Reasons for the claim if the nominee is not a member of the subscriber's family

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7. In the case of amount due to a minor child whose mother (widow of subscriber), is not a Hindu, the claim should be supported by Indemnity Bond or Guardianship certificate, as the case may be.

8. If the subscriber has left no family and no nomination subsists the names of persons to whom the Provident Fund money is payable (to be supported by letters of probate or succession certificate, etc.) :

Serial No.	Name	Relationship with the subscriber	Address
1			
2			
3			
4			

9. Religion of the claimant(s).

10. The payment is desired through the Drawing and Disbursing Officer. In this connection the following documents duly attested by a Gazetted Officer in service/Magistrate are attached :

(*i*) Personal marks of identification ;

(*ii*) Left/Right-hand thumb and finger impression (in the case of illiterate claimants) ;

(*iii*) Specimen signatures in duplicate (in the case of literate claimants).

Yours faithfully,

Station..... *Signature of claimant(s).*

Date..... (*Full name and Address*)

(*For use by the Office*)

1. The Provided Fund Account No..... of Sri/Smt. is.....

2. He/She has retired/will retire/has proceeded on leave preparatory to retirement for.....months/has resigned from Government service and his/her resignation has been accepted/has been discharged/ dismissed with effect from.....forenoon/afternoon.

3. The last Fund deduction of Rs.....and recovery on account of refund of advance, Rs.....was made from his/her pay *vide* voucher No....., dated..... for Rs.....of.....Treasury and was included in the G.P.F. Schedule for Rs.....attached with the above voucher.

4. Certified that he/she was neither sanctioned any temporary advance nor any final withdrawal from his/her Provident Fund Account during the current as well as five preceding financial years.

OR

Certified that the following final withdrawals/last temporary advance were sanctioned to him/her and drawn from his/her Provident Fund Account during the current as well as five preceding financial years.

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A—Final withdrawals

Serial No.	Amount of withdrawals	Date of drawal	Voucher No.	Name of Treasury	Head of Account
1					
2					
3					
4					

B—Temporary Advance

Amount of advance	Date of drawal	Voucher No.	Name of Treasury	Head of Account	Month and year in which recovery completed	If recovery not completed number of instalments and amount un-recovered up to the date of application

5. Certified that no amount was withdrawn the following amounts were withdrawn from his/her Provident Fund Account during the current as well as five preceding financial years for payment of Insurance premia :

Serial No.	Amount	Date of drawal	Voucher No.	Name of Treasury	Head of Account
1					
2					
3					
4					

6. The balance in his/her G.P.F. pass book as on..... (date on which the amount became payable), including interest payable up to the date and bonus, if any), is Rs.....(in figures) Rupees.....(in words).

7. Certified that no recoveries pertaining to G.P. Fund are to be made from him/her. Therefore, the payment of Rs.....(in figures) Rupees.....(in words) to.....[name of subscriber or claimant(s) if he is dead] is recommended.

OR

The following recoveries pertaining to G.P. Fund are to be made from the subscriber :

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Serial No.	Particulars of recoveries	Amount Rs.
1		
2		
3		
4		
	TOTAL	

After deducting the amount of Rs.....on account of recoveries detailed above, the payment of Rs..... (in figures) Rupees.....(in words) only out of the balance in the subscriber's G.P.F. passbook to..... name of subscriber or [claimant(s) if he is dead] is recommended.

**8. The subscriber died on..... and the date has been verified from death certificate.

Date..... *Signature and designation of the concerned officials in the Office of the Account Officer.*

(*For use by the Account Officer*)

**Payment of Rs.....(in figures) Rupees.....(in words) to.....[name of subscriber or claimant(s) if he is dead] sanctioned.

Date..... *Signature and seal of Account Officer.*

**Serial No. 8 applies if the subscriber is dead.

APPENDIX "A"

(Rule 13)

FORM (1)

सामान्य भविष्य निर्वाह निधि से अस्थाई अग्रिम लेने के लिए प्रार्थना पत्र

1. अभिदाता का नाम.....
2. खाता संख्या.....
3. पद नाम.....
4. वेतन.....
5. प्रर्थना-पत्र देने की तिथि को अभिदाता के खाते में जमा धनराशि का विवरण :—
   (1) वर्ष.....की लेखा पर्ची (एकाउन्ट स्लिप) के अनुसार जमा धनराशि
   (2) माह.....से.....तक अभिदान द्वारा जमा धनराशि

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(3) अग्रिम की वापसी (रिफण्ड आफ एडवांस) द्वारा जमा .....

(4) निष्कासित धनराशि का विवरण .....

(क) अन्तिम निष्कासन .....

माह/वर्ष ..... से ..... माह/वर्ष तक

(ख) अस्थाई अग्रिम .....

माह/वर्ष ..... से ..... माह/वर्ष तक

(5) शुद्ध जमा धन राशि .....

6. पूर्ववर्ती अग्रिम यदि शेष हों तो शेष धनराशि और उस अग्रिम का प्रयोजन .....

7. अब मांगे जा रहे अग्रिम की धनराशि .....

8. (क) इस अग्रिम का प्रयोजन .....

(ख) जिस नियमानुसार अनुमन्य है उसका सन्दर्भ .....

9. समेकित अग्रिम की धनराशि (मद 6+7) तथा जितनी मासिक किस्तों में समेकित अग्रिम धनराशि की अदायगी की जानी है .....

10. अभिदाता की आर्थिक स्थिति का पूरा विवरण जिससे प्रार्थना का औचित्य सिद्ध हो सके .....

आवेदक के हस्ताक्षर

दिनांक .....

नाम .....

पद नाम .....

अनुभाग/विभाग .....

आज्ञा से,

[113] English translation of Vitta (Lekha Pariksha) Anubhag, Noti. No. 345/X-88-605(22)-77, dated January 30, 1988, published in the U.P. Gazette, Extra., Part-4, Section (ka) dated 1st February, 1988, pp. 39-75

In exercise of the powers conferred by Section 89 of the **Chit Funds Act, 1982** (Act No. 40 of 1982), the Governor, in consultation with the Reserve Bank of India is pleased to make the following rules :

CHAPTER I

Preliminary

1. **Short title.**—(1) These rules may be called the Uttar Pradesh Chit Funds Rules, 1988.

(2) They shall come into force with effect from the date† of their publication in the Gazette.

2. **Definitions.**—In these rules, unless the context otherwise requires—

(*a*) "Act" means the Chit Funds Act, 1982 (Act No. 40 of 1982) ;

(*b*) "appendix" means an Appendix to these rules ;

(*c*) "authorised agent" means a person duly authorised by a power-of-attorney executed and authenticated in the manner

† February 1, 1988.

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specified in Section 33 of the Indian Registration Act, 1908 (Central Act XVI of 1908) or a person authorised by a letter of authorisation by the person concerned specified in Form XX ;

(*d*) "form" means a form to these Rules :

(*e*) "section" means a section of the Act ;

(*f*) Words and expressions used in these rules but not defined therein shall have the same meanings respectively assigned to them in the Act.

CHAPTER II

Registration

3. Application for obtaining prior sanction for commencement or conduct of chit.—Every application for obtaining prior sanction of the State Government or the officer empowered by it in this behalf, for commencement or conduct of a chit shall be made by the Foreman in Form I.

4. Communication of the refusal to sanction commencement or conduct of a chit.—(1) Where sanction of the commencement or conduct of a chit is refused, the reasons for such refusal shall be recorded in writing and a copy thereof shall be communicated to the applicant.

(2) Before refusing such sanction the Registrar shall issue a notice to the Foreman calling upon him to show cause within a reasonable period to be stipulated in such notice, why sanction be not refused.

(3) Where the ground for the proposed refusal of such sanction is default in payment of fees or filing of any statement or record required to be paid or filed under the Act, the Registrar shall condone the said default, if the Registrar is satisfied on hearing the Foreman that the default has occurred due to reasons beyond the control of the Foreman or due to other bona fide reasons provided the Foreman has paid the fees or filed the necessary documents on or before the date of such hearing.

5. Application for registration of chit.—Every application for the registration of a chit to be made by the Foreman to the Registrar shall be in Form II.

6. Endorsement of registration of a chit.—The endorsement of registration of a chit agreement to be issued by the Registrar shall be in Form III.

7. Registration number of chit.—Every chit registered under the Act shall be numbered serially by the Registrar in separate series for each calendar year.

8. Communication of the refusal to register a chit.—(1) If the Registrar refuses to register a chit, he shall record the reasons for such refusal in writing and communicate a copy of the order to the applicant.

(2) Before refusing registration the Registrar shall issue a notice to the Foreman calling upon him to show cause within a reasonable period to be stipulated in such notice why registration be not refused.

(3) Where the ground for the proposed refusal of registration is default in payment of fees or filing of any statement or record required to be paid or filed under the Act, the Registrar shall condone the said default if the

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Registrar is satisfied on hearing the Foreman that the default has occurred due to reasons beyond the control of the Foreman or due to other bona fide reasons provided the Foreman has paid the fees or filed the necessary documents on or before the date of such hearing.

9. Application for appropriation of any sum from the reserve fund.—Every application for obtaining prior approval of the Registrar for appropriation by a company of any sum from the reserve fund shall be in From IV.

10. Declaration to be filed about subscriptions to all tickets of a chit.—Every declaration to be filed by a Foreman after all tickets in a chit specified in the chit agreement have been fully subscribed shall be in Form V.

11. Form of certificate of commencement of chit.—The certificate of commencement of a chit to be granted to the Foreman shall be in Form VI.

12. Form of certificate about furnishing a copy of the chit agreement to the subscribers of a chit.—The certificate by the Foreman about having furnished a copy of the chit agreement to every subscriber o a chit to be filed with the Registrar shall be in Form VII.

13. Form of chit agreement.—The chit agreement of every chit started under the Act shall, as far as may be, conform to the proforma set forth in Form VIII.

14. Registration of alteration, addition or omission of chit agreement.—(1) No alteration, addition or omission of any provision in the chit agreement shall have effect unless such alteration or addition or as the case may be, omission is registered. If the Foreman makes any alteration or addition or omission of any provision in the chit agreement, he shall submit such alteration or addition or omission in duplicate to the Registrar duly signed and attested by at least two witnesses along with the application for registration of such alteration or addition or omission as the case may be of the chit agreement.

(2) An application to register an alteration of or adition to or omission of any provision in the chit agreement shall be dealt with in the same manner as an application for registration of the chit agreement.

15. Date of effect of alteration or addition or omission of any provision in the chit agreement.—An alteration of or addition to or omission of, any provision in the chit agreement shall not take effect from a date earlier than the date of such registration of the alteration or addition or omission as the case may be unless otherwise ordered by the Registrar :

Provided that the Registrar shall not give effect to the alteration or addition or omission from a date earlier than the date of application for registration of the alteration or addition or omission of any provision of the chit agreement, as the case may be.

16. Form of notice of chit subscriber.—Every notice to be given by a Foreman to the subscribers in a chit under Section 16 shall be in Form IX. It shall be sent to each subscriber under certificate of posting and shall also be exhibited on the notice board of the office of the Foreman.

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17. Form of minutes of proceedings.—The minutes of proceedings of every draw shall, in addition to the particulars specified in sub-section (2) of Section 17, contain full particulars of the following points, namely—

(*a*) Particulars of deposit, if any, of the prize amount under sub-sections (1) and (2) of Section 22 since the date of the previous draw ;

(*b*) Particulars of deposit, if any, of money under sub-section (1) of Section 30 and sub-section (4) of Section 33 since the date of the previous draw ;

(*c*) Amount withdrawn from the approved bank (the name of the bank to be specified) and the purpose of which the amount was withdrawn since the date of the previous draw ;

(*d*) How the prized subscriber was ascertained according to the terms of the chit agreement and particulars of tickets and prize amount. If the ascertainment of the prized subscriber related to a fraction of a ticket, particulars in respect of each such fraction shall be entered ;

(*e*) Full particulars of the commission paid to the Foreman and the amount of dividend assigned to each subscriber ;

(*f*) Names of subscribers or their authorised agents who bid at the drawing, their ticket numbers and signatures.

Chapter III

Foreman

18. Procedure in the case of security given by the Foreman.—(1) In case of cash deposited in an approved bank in the name of the Registrar under clause (*a*) of sub-section (1) of Section 20, the receipt or the book issued by the approved bank mentioned in the chit agreement shall be delivered to the Registrar.

(2) In case of Government securities transferred in favour of the Registrar under clause (*b*) of sub-section (1) of Section 20, the Registrar shall keep them in safe custody under his control in any Government Treasury.

(3) If the security charged is moveable property other than deposit in an approved bank or Government securities, the Foreman shall make all necessary arrangements for their deposit with the Registrar or with such bank or other agency as may be approved by the Registrar for ensuring that the property deposited is available as security for the proper conduct of a chit.

(4) In case of trustee securities to be transferred in favour of the Registrar under clause (*c*) of sub-section (1) of Section 20—

(*i*) where the security is other than immovable property, the value of the security shall not be less than one and a half times the value of the chit amount, and

(*ii*) in respect of security of immovable property, the value of the security shall not be less than two times the value of the chit amount.

(5) A Foreman of a chit proposing to give moveable (or immovable) property as security for the proper conduct of a chit shall apply to the Registrar in Form X. The applicant under this sub-rule shall clearly

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furnish the correct and complete information regarding the property offered as security. (In case the property offered is immovable property, the application shall be accompanied by the documents of title to the property and an encumbrance certificate for 30 years relating to the property).

(6) Where the immovable property offered as security is situated outside the jurisdiction of the Registrar having jurisdiction over the chit, the inspection of the property shall, under the order of the concerned State Government, be made by the Registrar having jurisdiction over such property, who shall forward a report to the Registrar concerned as to the sufficiency of the security.

(7) If the security offered is accepted as sufficiency by the Registrar, he shall record in writing on the application, a certificate of sufficiency in Form XI and attach a statement of the valuation made.

(8) If the security offered is not accepted by the Registrar, he shall give the applicant an endorsement to that effect.

19. Valuation of chit amount in grain chits.—In a grain chit, for the purpose of security under Section 20, the grain shall be valued by the Registrar as follows :

(*a*) The total quantity of grain due from all subscribers at one instalment of the chit shall be ascertained ;

(*b*) The market value for the time being of the total quantity referred to in clause (*a*) shall then be calculated ;

(*c*) In assessing the market value, the Registrar shall adopt the current market prices at the nearest taluk town as ascertained from the Tahsildar having jurisdiction ;

(*d*) One and quarter times the market value mentioned in clause (*b*) shall be taken to be the chit amount for the purpose of furnishing security by the Foreman under sub-section (1) of Section 20.

20. Substitution of security.—(1) During the currency of a chit, the Foreman may apply to the Registrar in Form XII for permission to substitute the security given by him for the proper conduct of the chit by fresh security.

(2) The Registrar may grant permission after satisfying himself—

(*i*) that the request of the Foreman for substitution of the security given under Section 20 is for the reasons stated in the application ; and

(*ii*) that the fresh security offered is adequate ;

(*iii*) the procedure prescribed in Rule 18 shall apply *mutatis mutandis* to the substituted security given by the Foreman under this rule.

21. Procedure for accepting fresh security.—(1) The Registrar shall, if so required by the Foreman, execute and register a deed of release in respect of the original security at the cost of the Foreman.

(2) If the original security to be returned is Government security deposited in a Government treasury, the Registrar shall arrange to return the securities offered by the Foreman after making endorsements of re-transter in the passbook (receipt) or Government security (or other record) as the case may be.

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(3) If the original security to be returned is moveable property other than Government security, the Registrar shall arrange to return such security by executing such deed or making such endorsement as may be necessary for an effective re-transfer in favour of the Foreman.

22. Application for release of security.—On termination of the chit, the Foreman may apply to the Registrar for the release of the security given by him.

23. Declaration by Foreman.—The application for release of security under sub-section (5) of Section 20 shall contain a declaration separately signed by the Foreman stating that the claims of all the subscribers have been fully satisfied and that all dues payable by the Foreman under the Act to the Registrar or any other officer have been fully paid.

24. Procedure for release of security.—(1) (*a*) The Registrar may, for the purpose of releasing the security under sub-section (5) of Section 20 call upon the Foreman to produce a copy duly certified to be a true copy of any register and book of accounts maintained by the Foreman and shall exhibit a notice on his office notice board stating that the security is proposed to be released and that any person objecting to such release may file with the Registrar his statement of objections, if any, within fifteen days from the date of exhibition of the notice.

(*b*) If no objections are received within the period specified in the notice, the Registrar shall release the security.

(2) If any objections are received, the Registrar shall enquire into the objections summarily within fourteen days after the date of expiry of the period specified in the notice referred to in sub-rule (*a*) and record his decision in writing and forward a copy thereof to the Foreman and to the objector.

25. Books of account to be maintained by the Foreman.—In addition to the book of minutes of draws mentioned in Section 17, every Foreman shall keep the following registers and books of account in the forms mentioned against each or in the forms as near thereto as possible—

(1) A register of subscribers in Form XIII.

(2) A ledger in Form XIV.

(3) A day book in Form XV.

(4) A receipt book in Form XVI duly certified by the Foreman as to the number of pages in duplicate.

(5) A book containing copies of all notices issued by the Foreman to the subscribers.

(6) A file containing the letters of authorisation of the subscribers, for subscribing his name in the chit agreement and for participating in the auction of the chit.

(7) A file containing the vouchers for payment made by the Foreman.

(8) A file containing documents relating to securities offered by the prized subscribers.

26. Accounts to be written up promptly.—(1) Every entry in the register of subscribers, the ledger or the day book mentioned in Rule 25 shall be made as and when the particular event occurs.

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(2) On receipt of any money, a receipt shall immediately be prepared or causes to be prepared by the Foreman in Form XVI and delivered to the payer.

(3) The Foreman shall, at the time of issuing every notice, prepare a copy thereof in the book mentioned under clause (5) of Rule 25, certify it to be true copy and enter therein under his signature, the date of despatch of the notice.

(4) A voucher duly signed by the recipient shall be obtained by the Foreman at the time any payment is made to him and such voucher shall be immediately filed in the file specified in clause (7) of Rule 25 after due verification of all the particulars entered therein.

(5) Every document relating to the security given by prized subscribers shall as soon as it is received by filed in the file mentioned in clause (8) of Rule 25. The file shall contain an index for facilitating the scrutiny of the documents.

27. Filing of vouchers.—As soon as each payment is made, the Foreman shall obtain a voucher from the payee. He shall verify whether the voucher specifies the purpose for which the payment was received and whether it is properly signed by the recipient and preserve it in the file mentioned in clause (7) of Rule 25 after assigning a serial number thereto for each calendar month.

28. Date of submission of balance sheet.—(1) The balance sheet prepared in accordance with the provisions of Section 24 shall be filed with the Registrar within a period of three months from the expiry of the period with reference to which it is prepared.

(2) Receipts and Expenditure account and statement showing the assets and liabilities of the individual chit group shall be filed in the Form XXI with the Registrar within a period of two months from the termination of the chit when the duration of the chit does not exceed one year and when the duration of chit exceeds one year or expiry of every period of twelve months and also on the termination of the chit.

29. Rate of interest payable by defaulting subscribers.—The rate of interest payable by a defaulting subscriber in pursuance of the proviso to Section 28(1) of the Act shall not exceed twelve per cent per annum.

30. Audit by a chit auditor, report and certificate.—(1) If a Foreman desires to have the balance sheet and profit and loss account audited by a chit auditor appointed under sub-section (2) of Section 61, the Foreman shall immediately after the preparation of the balance sheet make an application for such audit to the Registrar within whose jurisdiction the chit is conducted, specifying whether the audit shall be at the premises of the Foreman or not. The application shall be accompanied by the amount of fee set out in Appendix II.

(2) The Registrar shall forward the application to the Inspector of Chits having jurisdiction, who shall cause the balance sheet and profit and loss account to be audited by the chit auditor, as expeditiously as possible. On receipt of the application, the Inspector of Chits shall forward it to the chit auditor, who shall thereupon call upon the Foreman to produce the chit records on such date, time and place as he may fix and the Foreman shall produce all registers, books of accounts and other records relating to the chit accordingly and furnish such information and give such facilities as

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may be necessary or required for the proper audit of the balance sheet and profit and loss account and receipt and expenditure account of individual chit at the time and place fixed by the chit auditor.

(3) Notice of not less than seven days shall be given to the Foreman as to the date of audit in the premises of the Foreman or for the production of registers, books of account and other records relating to the chit business as the case may be.

(4) The chit auditor shall prepare his report and audit certificate in quadruplicate and shall send one copy to the Foreman, the second copy to the Registrar, the third copy to the Inspector of Chits and keep to remaining copy for his own file.

31. Time for filing balance sheets audited by a chit auditor or other auditors.—(1) Where the audit is done by the chit auditor, the Foreman shall file with the Registrar a copy of the balance sheet and profit and loss account together with the audit certificate and the auditor's report within one month from the date of the receipt of the audit certificate and audit report from the chit auditor or within three months from the last day of the period covered by the balance sheet, whichever is earlier.

(2) In the case of audit by an auditor qualified to act as auditor of companies under the Companies Act, 1956 (Act 1 of 1956), the Foreman shall file with the Registrar the documents referred to in sub-rule (1) within three months from the expiry of the period with reference to which the balance sheet is prepared under Section 24 and in the case of individual chit as referred to in sub-rule (2) of Rule 28, within a period of two months.

CHAPTER IV

Winding up of chits

32. Form of petition for winding up and presentation.—A petition for winding up of a chit shall contain the following particulars, namely:—

(1) Full name, description, occupation and address of the petitioner.

(2) Address of his advocate, if any, for the service of all notices, process etc.

(3) Address of the Foreman.

(4) Particulars of the chit—

(*i*) Number and date of registration of the chit agreement;

(*ii*) Office where the chit agreement was registered;

(*iii*) The chit amount;

(*iv*) The total number of tickets;

(*v*) The number of subscribers and the number of tickets subscribed by each subscriber;

(*vi*) The number of non-prized subscribers on the date of the petition, and

(*vii*) The number of unpaid prized subscribers, if any.

(5) Facts on which the petitioner relies in support of the petition.

(6) Particulars relating to the award and execution of other process which has been returned unsatisfied in whole or in part, if the

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ground of the petition is that execution of other process issued on an award or order of the Registrar in favour of any subscriber in respect of the amounts due to him from the Foreman was returned unsatisfied in whole or in part.

(7) Full details to show that the condition prescribed in clause (*a*) of the proviso to Section 49 is satified, if the wind-up of the chit is applied for under clause (*d*) of Section 48 and if the said clause (*a*) applies.

(8) Whether the previous sanction of the State Government has been obtained, if clause (*b*) of the proviso to Section 49 applies. (A copy of the relevant order of the State Government shall be attached).

33. Proposals for collection and distribution of chit assets.— (1) The Receiver shall be soon as possible settle and submit to the Registrar a statement (hereinafter referred to as the "Provisional Statement") showing—

(*a*) The names of subscribers and other persons from whom moneys are due from the chit;

(*b*) The names of the subscribers and other persons to whom moneys are due from the chit;

(*c*) Proposals as to how the chit assets are to be collected and applied in the discharge of its liabilities; and

(*d*) The amount proposed to be paid to each of the persons specified in clause (*b*);

(2) Notice of the preparation of the provisional statement accompanied by a copy thereof shall be published and be served on the petitioner, the subscribers and other persons mentioned by the receiver in such manner as the Registrar may direct. If the number of persons on whom notice is to be served is large the notice may, in the discretion of the Registrar, be served on the petioner only and advertised in one or more daily newspapers. The notice shall specify the date on which objections to the provisional statement will be heard and shall call upon any person having such objections—

(*i*) to submit his statement of objections and the grounds therefor supported by an affidavit before the date appointed by the Registrar in this behalf; and

(*ii*) to appear in person or by advocate on the date of hearing with all the evidence in support of his objections.

34. Set-off to be allowed.—When money is due from the Foreman to a subscriber and also from the subscriber to the Foreman, the subscriber shall be allowed the benefit of a set-off.

35. Hearing of objections to the provisional statement.—On the date fixed for the hearing of the objections under sub-rule (2) of Rule 33, the Registrar shall enquire into the objections and after considering the evidence, if any, adduced in support thereof pass orders on the objections and call upon the Receiver to revise, if necessary, the provisional statement in accordance with his orders. The Registrar shall fix a date by which such revision is to be made and intimate orally or in writing such date to the persons who have appeared in person or through their advocates on the date of the hearing.

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36. Final orders of settlement by Registrar.—(1) As soon as possible thereafter and at least ten days before the date fixed under Rule 35, the Receiver shall submit to the Registrar a fresh list of subscribers or other persons to whom or from whom moneys are due and fresh proposals for the distribution of the available chit assets after making such further enquiry as may be necessary. The Registrar shall thereupon consider the said list and proposals and approve or modify them in such manner as he considers necessary. The Registrar shall pass final orders accordingly on the date fixed under Rule 35 for the collection and distribution of the chit assets. The Registrar may also pass such orders as may be necessary for the distribution of the available chit assets in case such assets happen to be insufficient to meet the sums which have to be paid to the subscribers.

(2) The final orders passed by the Registrar under this rule shall be conclusive evidence of the several claims to be met out of the chit assets.

37. Provision for expenses of winding up.—In making proposals for the distribution of the chit assets, the Receiver shall specify the estimated amount of the cost of winding up including remuneration for the Receiver and such other items of expenditure as are incidental to the winding up and such estimated amount shall first be provided for and deducted from the value of the chit assets and the balance amount shall also be proposed for distribution in the provisional statement and the fresh list mentioned in Rule 36.

38. Filing of final accounts by Receiver.—(1) Upon the termination of the proceedings relating to the winding-up, the Receiver shall file his final accounts with the Registrar within fifteen days of such final accounts being passed by the Registrar and the balance of money in the hands of the Receiver shall be paid to the Registrar. The Receiver shall also state how the balance amount may be disposed of together with the reasons for his proposals. He shall also deposit with the Registrar all books, accounts and all other records relating to the chit which has been wound up.

(2) The receiver may thereafter apply to the Registrar for a certificate of discharge from the duties as Receiver and for the vacating of his recognizance bonds entered into by him and the sureties, if any. On receipt of such application, the Registrar may pass orders of such discharge and vacating of the bonds and for the disposal of the final balance of the chit assets, if any.

39. Final order of winding up by the Registrar.—(1) After the affairs of a chit have been completely wound up, the Registrar shall make an order recording the fact of such winding up.

(2) A copy of such order shall be exhibited on the notice board of the Registrar.

40. Disposal of records.—The books and papers of a chit which has been completely wound up and of the Receiver shall be retained and disposed of in such manner as the Registrar may direct.

41. Meetings.—When the number of subscribers is large and the Registrar, whether on application of the Receiver or not, at any stage considers that a meeting of all such parties is necessary in order to ascertain their wishes in any matter, the Registrar may pass an order for holding such a meeting. The Registrar may direct the manner in which and the time and place at which the meeting shall be held and the Receiver shall convene and hold the meeting accordingly.

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CHAPTER V

Fees

42. Table of fees.—The fees payable to the Registrar for matters specified in Section 62 and Section 63 shall be as set out in Appendix II and shall be paid in cash.

43. Receipt of fees.—The Registrar shall grant receipts for all fees received by him.

44. Refund of fees.—The Registrar may refund any fee paid to him in excess of the amount prescribed or any fee that is unearned.

Explanation.—The expression "fee that is unearned" in this rule means fees paid in connection with the registration of the chit agreement, the filing of a document or other service to be performed by the Registrar where such registration or filing is not actually effected or the service is not actually rendered.

CHAPTER VI

Disputes and Arbitration

45. Reference of dispute.—A reference of a dispute under Section 64 shall be made in writing to the Registrar in Form XVII. Where necessary, the Registrar may require the party referring the dispute to him to produce a certified copy of the relevant records on which the dispute is based and such other statements or records as may be required by him, before proceeding with the consideration of such reference.

46. Registrar's satisfaction regarding existence of a dispute.—Where any reference of a dispute is made to the Registrar or any matter is brought to his notice, the Registrar shall, on the basis of the reference (if any) made to him in Form XVII and the relevant records and statements submitted to him, record his decision together with the reasons within the meaning of Section 64. Such recording of decision shall be sufficient proof of the Registrar's satisfaction whether the matter is or is not a dispute as the case may be.

47. Disposal of a dispute or reference to a nominee.—(1) Where the Registrar is satisfied that there is a dispute, the Registrar may decide the dispute himself or refer it for disposal to his nominee.

(2) Neither the Registrar nor his nominee shall take up for consideration any dispute, unless the parties concerned comply with the conditions of affixing the court fees specified in Rule 57 for determining the dispute.

48. Qualifications for appointment as Registrar's nominees.—(1) The State Government may appoint a person to be a Registrar's nominee provided that—

(*a*) he has practised as an advocate, Pleader or Vakil for not less than five years, or

(*b*) he is enrolled as an Advocate or holds a degree or other qualification in law of any University established by law or of any other authority which entitles him to be enrolled as an Advocate, and either (*i*) has held office not lower in rank than the Deputy Registrar of Chits for not less than five years; or (*ii*) possesses

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good knowledge and experience of chit fund legislation and practice.

(2) The State Government may, by notification in the Official Gazette appoint as many persons as might be necessary to act as Registrar's nominee for settlement of disputes arising under this Act.

49. Procedure for hearing and decision of disputes.—(1) The Registrar or his nominee shall record in the official language in vogue in the State, the evidence of the parties to the dispute and the witnesses who attend. Upon the evidence so recorded and upon consideration of any documentary evidence produced by the parties, a decision shall be given by him in writing such decision shall be pronounced in the open court, either at once or as soon as may by practicable on some future day, of which due notice shall be given to the parties.

(2) Where neither party appears when the dispute is called out for hearing, the Registrar or his nominee may make an order that it be dismissed for default.

(3) Where the opponent appears and the disputant does not appear when the dispute is called out for hearing, the Registrar or his nominee may make an order that the dispute be dismissed, unless the opponent admits the claims or a part thereof, in which case the Registrar or his nominee, as the case may be, may make an order against the opponent upon such admission, and where, only part of the claim is admitted, may dismiss the dispute insofar as it relates to the remainder.

(4) Where the disputant appears and the opponent does not appear when the dispute is called out for hearing, then if the Registrar or his nominee is satisfied from the record and proceedings that the summons was duly served, the Registrar or his nominee may proceed with the dispute ex parte. Where the summons is served by any Officer of the Registrar or his nominee, he shall make his report of service on *oath*.

(5) The Registrar or his nominee may not ordinarily grant more than two adjournments to each party to the dispute at his request. The Registrar or his nominee may, however, at his discretion grant such further adjournments on payment of such costs to the other side and such fees to the Registrar or his nominee as the Registrar or his nominee as the case may be, may direct.

(6) Any party to a dispute may apply for and obtain a certified copy of any order, judgment or award made by the Registrar or his nominee on payment of copying fees, at the rate prescribed in Appendix II.

50. Summons, notices and fixing of dates, place, etc. in connection with the disputes.—(1) The Registrar, or as the case may be, his nominee, may issue summons or notices at least fifteen days before the date fixed for the hearing of the dispute requiring :

(*i*) the attendance of the parties to the dispute and of witnesses, if any ; and

(*ii*) the production of all books and documents relating to the matter in dispute.

(2) Summons or notices issued by the Registrar or his nominee may be served through a Tahsildar or any employee or the Chit Department or by registered post with acknowledgment due.

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(3) The Officer serving a summons or notice shall, in all cases in which summons or notice has been served, endorse or annex or cause to be endorsed on or annexed to, the original summons or notice, a return stating the time when, and the manner in which, the summons or, as the case may be, notice was served, and the name and address of the person (if any) identifying the person served and witnessing the delivery or tender of the summons or the notice.

(4) The official issuing the summons or notice may examine the serving Officer on *oath* or cause him to be so examined by the Tahsildar or other Officer through whom it is served and may make such further inquiry in the matter as he thinks fit: and shall either declare that the summons or, as the case may be, notice has been duly served or order it to be served in such manner as he thinks fit.

(5) The mode of serving summons and notices as laid down in sub-rules (1) to (4) shall *mutatis mutandis* apply to the service of summons or notices issued by the Registrar or the person authorised by him, when acting under Section 46.

51. Investigation of claims and objections against any attachment.—Where any claim or objection has been preferred against the attachment of any property under Section 68 on the ground that such property is not liable to such attachment, the Registrar, or as the case may be, his nominee shall investigate into the claim or objection and dispose it of on merits:

Provided that, no such investigation shall be made when the Registrar or his nominee considers that the claim or objecton is frivolous.

52. Procedure for the custody of property attached under Section 68.—(1) Where the property to be attached is moveable property, other than agricultural produce in the possession of the debtor, the attachment shall be made by actual seizure and the attaching officer shall keep the property in his own custody of one of his subordinates, or of a Receiver, if one is appointed under sub-rule (2) and shall be responsible for the due custody thereof:

Provided that, when the property seized is subject to speedy and natural decay, or when the expenses of keeping it in custody is likely to exceed its value, the attaching officer may sell it at once.

(2) Where it appears to the officer ordering conditional attachment under Section 68 to be just and convenient, he may appoint a Receiver for the custody of the moveable property attached under that section and his duties and liabilities shall be identical with those of a Receiver appointed under Order XL in the First Schedule to the Code of Civil Procedure, 1908.

(3) (*i*) Where the property to be attached is immovable, the attachment shall be made by an order prohibiting the debtor from transferring or charging the property in any way, and all persons from taking any benefit from such transfer or charge.

(*ii*) The order shall be proclaimed at some place on, or adjacent to, such property by beat of drums or other customary mode, and a copy of the order shall be fixed on a conspicuous part of the property and upon a conspicuous part of the village chawhaddi, and where the property is land paying revenue to the State Government, also in the office of the Collector of the district and in the office of the Tahsildar or any other revenue Officer within whose jurisdiction the property is situated.

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53. Procedure for attachment and sale of property for realization of any security given by person in course of execution proceedings.—The procedure laid down in Rules 51 and 52 shall *mutatis mutandis* apply for attachment and sale of property for the realisation of any security given by a person in the course of execution proceedings.

54. Issue of proclamation prohibiting private transfer of property.—The Registrar when acting under clause (*a*) of Section 71 shall, at the time a signing a certificate affecting any property, issue a proclamation in Form XVIII and in the case of immovable property shall also forward a copy of the proclamation to the Tahsildar or any other revenue officer within whose jurisdiction the property is situated, who shall cause an entry about such certificate to be made in the Record of Rights.

55. Procedure for execution of awards.—(1) Every order or award passed by the Registrar, or his nominee under Section 68 or 69 shall be forwarded by the Registrar to the Foreman or to the party concerned with instructions that the Foreman or, as the case may be, the party concerned should initiate execution proceedings forthwith according to the provisions of Section 71.

(2) If the amount due under the award is not forthwith recovered, or the order thereunder is not carried out, it shall be forwarded to the Registrar with an application for execution along with all information required by the Registrar, for the issue of certificate under Section 71. The applicant shall state whether he desires to execute the award through a civil court or through the revenue authorities as provided under Section 71.

(3) On receipt of such application for execution, the Registrar shall forward the same to the proper authority for execution along with a certificate issued by him under Section 71 and a proclamation issued under Rule 54 in the manner prescribed therein.

(4) Every order passed in appeal under Section 70 shall also be executed in the manner laid down in sub-rules (2) and (3).

56. Transfer of property which cannot be sold.—(1) When, in execution of an order sought to be executed under Section 71, any property cannot be sold for want of buyers, if such property is in the possession of the defaulter or of some person on his behalf, or of some person claiming it under a title created by the defaulter subsequent to the issue of the certificate by the Registrar under clause (*a*) or (*b*) of the said section, the officer conducting the execution shall as soon as practicable report the fact to the Court or the Collector or the Registrar, as the case may be, and the judgment creditor applying for the execution of the said order.

(2) On receipt of a report under sub-rule (1), the judgment creditor may, with in six months from the date of the receipt of the report or within such further period as may for sufficient reasons be allowed in any particular case by the Court or the Collector or the Registrar, submit an application in writing to the Court, the Collector or the Registrar, as the case may be, stating whether or not he agrees to take over such property.

(3) On receipt of an application under sub-rule (2), notices shall be issued to the defaulter and to all persons known to be interested in the property, including those whose names appear in the Record of Rights as persons holding any interest in the property, about the intended transfer.

(4) One receipt of such a notice, the defaulter, or any person owning

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such property, or holding an interest therein by virtue of a title acquired before the date of the issue of a certificate under Section 71 may, within one month from the date of the receipt of such notice, deposit with the Court or the Collector or the Registrar, for payment to the Foreman a sum equal to the amount due under the order sought to be executed together with interest thereon and such additional sum for payment of costs and other incidental expenses as may be determined in this behalf by the Court or the Collector or the Registrar, as the case may be.

(5) On failure of the defaulter, or any person interested, or any person holding any interest in the property, to deposit the amount under sub-rule (4), the Court or the Collector or the Registrar, as the case may be shall direct the property to be transferred to the judgment or creditor on the conditions stated in the certificate in Form XIX.

(6) The certificate granted under sub-rule (5) shall state whether the property is transferred to the judgment creditor in full or partial satisfaction of the amount due to him from the defaulter.

(7) If the property is transferred to the judgment creditor in partial satisfaction of the amount due to him from the defaulter, the Court or the Collector or the Registrar, as the case may be, shall on the production by the judgment creditor of a certificate signed by the Registrar, recover the balance due in the manner laid down in Section 71.

(8) The transfer of the property under sub-rule (5) shall be effected as follows :

(*i*) In the case of moveable property—

(*a*) Where the property is in the possession of the defaulter himself or has been taken possession of on behalf of the Court or the Collector or the Registrar, it shall be delivered to the judgment creditor.

(*b*) Where the property is in the possession of some person on behalf of a defaulter, the delivery thereof shall be made by giving notice to the person in possession directing him to give actual peaceful possession to the judgment creditor and prohibiting him from delivering possession of the property to any other person.

(*c*) The property shall be delivered to a person authorised by the party to take possession on behalf of the judgment creditor.

(*ii*) In the case of immovable property—

(*a*) Where the property is growing or standing crop, it may be delivered to the judgment creditor before it is cut and gathered and the judgment creditor shall be entitled to enter on the land, and to do all that is necessary for the purpose of tending and cutting and gathering it.

(*b*) Where the property is in the possession of the defaulter or of some person on his behalf or some person claiming under a title created by the defaulter subsequent to the issue of a certificate under Section 71, the Court or the Collector or the Registrar, as the case may be, shall order delivery to be made by putting the judgment creditor or any person whom he may appoint to receive delivery on his behalf in actual

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possession of the property and if need be by removing any person who illegally refuses to vacate the same.

(*c*) Where the property is in the possession of a tenant or other person entitled to hold the same by a title acquired before the date of issue of a certificate under Section 71, the Court or the Collector or the Registrar as the case may be, shall order delivery to be made by affixing a copy of the certificate of transfer of the property to the judgment creditor at some conspicuous place on the property and proclaiming to such person by beat of drum or other customary mode at some convenient place that the interest of the defaulter has been transferred to the judgment creditor.

(9) The judgment creditor shall be required to pay expenses incidental to sale including the cost of maintenance of livestock if any, according to such scale as may be fixed by the Registrar from time to time.

(10) Where land is transferred to the judgment creditor under sub-clause (*a*) of clause (*ii*) of sub-rule (8) before the growing or standing crop is cut and gathered, the judgment creditor shall be liable to pay the current year's land revenue on the land.

(11) The judgment creditor shall forthwith report any transfer of property under sub-clause (*b*) or (*c*) of clause (*ii*) of sub-rule (8) to the village accountant for information any entry in the Record of Rights.

(12) The judgment creditor to whom property is transferred under sub-rule (5) shall maintain for each such defaulter a separate account showing all the expenses incurred including payment to outside encumbrances, land revenue and other dues on the property and all the income derived from it.

(13) The judgment creditor to whom property is transferred under sub-rule (5) shall use his best endeavour to sell the property as soon as practicable to the best advantage of the foreman as well as that of the defaulter, the first option being always given to the defaulter who originally owned the property. The sale shall be subject to confirmation by the Registrar. The proceeds of the sale shall be applied to defraying the expenses of the sale and other expenses incurred by the judgment creditor and referred to in sub-rules (9) and (12) and to the payment of the arreas due by the defaulter under the order in execution, and the surplus (if any), shall then be paid to the defaulter.

(14) Until the property is sold, the judgment creditor to whom the property is transferred under sub-rule (5) shall use his best endeavours to lease it or to make any other use that can be made of it so as to derive the largest possible income from the property.

(15) When the judgment creditor to whom property is transferred under sub-rule (5) has realised all his dues, under the order in execution of which the property was transferred, from the proceeds of management of the property, the property, if unsold shall be restored to the defaulter.

57. Payment of fees for decisions of disputes.—(1) The Registrar or his nominee, as the case may be, may take a dispute on file only if the application regarding reference for such dispute in Form XVII, is affixed with court fee stamps at the following scales, namely :

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	Proper Court-fee Rs. P.
(*i*) Simple money claims—	
(*a*) When the amount of the claim in dispute does not exceed Rs. 1,000	25.00
(*b*) When such amount exceeds Rs. 1,000 but does not exceed Rs. 5,000	50.00
(*c*) When such amount exceed Rs. 5,000	75.00
(*ii*) Complicated money claims—	
(*a*) When the amount of the claim in dispute does not exceed Rs. 1,000	50.00
(*b*) When such amount exceeds Rs. 1,000 but does not exceed Rs. 5,000	75.00
(*c*) When such amount exceeds Rs. 5,000	100.00
(*iii*) All other disputes.	100.00

Explanation.—For the purposes of this sub-rule, "Simple money claim" means the claim of a Foreman whose business consist of conducting chits including disbursement of prize amounts based on loan bonds, promissory notes, admissions or acknowledgments and "complicated money claims" means all money claims other than simple money claims. The question regarding the classification of a dispute for the purposes of this sub-rule shall be decided by the Registrar or his nominee deciding the dispute and the decision of the Registrar or his nominee as the case may, be shall be final.

(2) No document of any of the kinds specified below shall be filed before the Registrar or his nominee unless it is affixed with the proper court-fee stamp as specified against it.

	Rs. P.
(*i*) Vakalatnama	2.00
(*ii*) Application for adjournment	10.00
(*iii*) Application for interim stay or relief	25.00

(3) (*a*) The Registrar or his nominee deciding any dispute may require the party or parties to the dispute to deposit such sum as may, in his opinion, be necessary to meet the expenses including payment of fees to the Registrar or his nominee, as the case may be.

(*b*) The Registrar or his nominee shall have power to order the fees and expenses of determining the dispute to be paid by the foreman out of his funds or by such party, or parties of the dispute, as he may think fit, according to the scale laid down by the Registrar, after taking into account the amount deposited as above.

(*c*) The Registrar may, by general or special order specify the scale of fees and expenses to be paid to him or his nominee.

CHAPTER VII

Miscellaneous

58. **Appeal to be in writing.**—(1) An appeal under Section 70 or sub-sections (1) and (2) of Section 74 shall either be presented in person or sent

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by registered post to the State Government or to such officer or authority (hereinafter referred to as the appellate authority) as may be empowered by notification in the Gazette by the State Government in that behalf.

(2) The appeal shall be in the form of a memorandum which shall be affixed with court fee stamps of Rs. 150.00.

(3) Every appeal shall—

(*a*) specify the names and addresses of the appellant as well as the respondent;

(*b*) state by whom the order appealed against was made;

(*c*) set forth concisely and under distinct heads the grounds of objections to the order appealed against with a memorandum of evidence;

(*d*) state precisely the relief which the appellant claims; and

(*e*) give the date of the order appealed against.

59. Hearing and disposal of the appeal.—(1) On receipt of the appeal, appellate authority shall, as soon as possible examine it and ensure that—

(*a*) the appeal memorandum is affixed with court fee stamps of the value specified in Rule 58(2);

(*b*) the person presenting the appeal has the locus standi to do so;

(*c*) it is made within the specified time limit; and

(*d*) it conforms to all the provisions of the Act and these rules.

(2) In the proceedings before the appellate authority, the appellant and the respondent may be represented by an agent holding a power of attorney or by a legal practitioner.

(3) The appellate authority, on the basis of the enquiry conducted and with reference to the record examined, pass such order on appeal as may seem just and reasonable.

(4) Every order of the appellate authority under sub-rule (3) shall be in writing and it shall be communicated to the parties concerned and the Registrar.

60. Period of retention of records by the Registrar.—The records of a chit including registers and books of account shall be preserved in the office of the Registrar for eight years (*a*) from the release of the security in the case of chits which are terminated and (*b*) from the date when the affairs of the chit are completely wound up in cases dealt with in Chapter X of the Act and if orders passed under that Chapter are appealable, from the date of disposal of the appeal.

61. Register of records kept.—Registrar shall keep a separate register in which shall be entered particulars of all records relating to chits registered in his office.

62. Compounding of offences arising under the Act.—(1) Any person liable for punishment for contravening the provisions of the Act or these rules may, at any time either before or after the institution of the prosecution under the Act, submit an application to an Officer of the State

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Government especially empowered in this behalf by an order published in the Gazette, either direct or through the District Magistrate concerned for the compounding of the offence stating clearly the name and place of the chit agreement, name and designation of the inspecting officer, date and time of inspection, the irregularity detected and the offence committed.

(2) On receipt of an application for the compounding of an offence, the officer as aforesaid may, where necessary, call for the records of the case from the officer who has carried out the inspection or from the District Magistrate, as the case may be, and, if satisfied, he may issue an order compounding the offence, subject to realisation of such composition fee, as may be prescribed by an order of the State Government to be published in the Gazette.

(3) A copy of the order of the Officer as aforesaid for compounding an offence shall be sent to the District Magistrate concerned who shall realise the composition fee and, in case where a prosecution has already been filed, inform the court concerned that the offence has been compounded and the composition fee has been realised and deposited into Government account. A copy of this order shall also be supplied to the Court.

(4) The composition fee shall be deposited into the Government account under the same head of account and in the same manner as the State Government may fix in the procedure for such deposits in the Government Treasury. The treasury challan number and the date of deposit shall be communicated by the District Magistrate to the Compounding Officer as aforesaid.

(5) The offence shall stand compounded only after the composition fee has been deposited into the Government Account.

APPENDIX I

FORM I

[*See* Section 4(2) and Rule 3]

(*Form of application to be used by a foreman for obtaining prior sanction to commence or conduct a chit*)

Place:

Date:

FROM

.....
.....
.....
.....

To

THE SECRETARY TO THE GOVERNMENT, UTTAR PRADESH,
FINANCE DEPARTMENT, LUCKNOW.

OR

(THE AUTHORISED OFFICER
—*by designation*)

SIR,

I.....son/wife/daughter of.....
.....
(here state profession or occupation) residing at...../We, the Chairman and Secretary respectively* on behalf of (name of the firm, company, Co-

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operative Society, etc.) situate at/having its registered office at..... .....desire to commence and conduct a chit as foreman at (here specify the place with postal address in detail). Full particulars in this regard are given in the Annexure hereto.

2. A certified true copy of the resolution passed by the Managing Committee/Board of Directors at its meeting held on the.....for commencing and conducting the chit in question is enclosed.

3. I/We remit herewith a sum of Rs.....(Rupees in words.....only) being the fees prescribed for the purpose.

4. I/We hereby certify that the aggregate chit amount of the chits run by me/us is Rs.....(Rupees.....) on the date of this application and does not exceed the aggregate chit amount prescribed by Section 13 of the Chit Funds Act, 1982 (Central Act No. 40 of 1982).

5. I/We request you to accord your sanction for commencing and conducting the chit. On receipt of such sanction further steps for registration, etc. of the chit will be taken.

Your faithfully,
Chairman.
Secretary.
Foreman.
† *for or on behalf of*

Encls.: Sheets

Strike out or *delete* whatever is not applicable.

**Insert* the designations as may be appropriate to the applicant.

†Here enter the name of the applicant institution, if any.

ANNEXURE E

Statement of particulars

1. Name and address of the company/Association of individuals/Co-operative Society/ Partnership/sole proprietorship (Addresses of the Registered as well as the Head Office/ Administrative Office, if any should be given).

2. Constitution *i.e.* whether incorporated as company/Co-operative Society or registered/ unregistered association of individuals/partnership/sole proprietorship (Also specify the provision of the Act under which incorporated/registered along with the date of incorporation/registration).

3. Names and addresses of the branches/offices, if any.

4. Main objects of the institution (enclose a copy of the Memorandum and Articles of Association or as the case may be, of the Bye-laws or Rules regulating the activities of the institution).

5. Names, occupations and residential addresses of the directors or as the case may be, of the promoters/members of the committee of management/partners, etc.

6. Names and residential addresses of the Chief Executive Officer and two other officers immediately next to him, in the managerial set-up.

7. Names of the bankers and their addresses.

8. Names of the auditors and their addresses.

9. Particulars of the chit(s) to be started (such as the chit amount, duration of the chit, frequency of the draws, manner of draws, etc. Also attach a copy of the draft of the chit agreement to be entered into with the subscribers).

10. Places where the chit scheme(s) are proposed to be conducted.

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11. Names and addresses of the associate companies/co-operative societies/associations of individuals/partnerships/sole proprietorships.

12. Names, occupations and residential addresses of the directors or as the case may be, of the promoters/members of the committee of management, etc. of the institution(s) referred to in item 11.

I/We solemnly declare that the facts stated herein as also in the enclosure are true to the best of my/our knowledge, information and belief.

Dated this.....*day of*.....*19*.....
at.....

Name(s) *Signature(s)*

Designation(s)

for and on behalf of.....*

*Here enter the name of the applicant institution, if any.

Strike out whatever is not applicable.

NOTES—(*i*) If the space against any item is inadequate for furnishing full particulars, the required information should be given in separate sheets indicating the cross reference against the relative item of this statement.

(*ii*) A copy each of the latest available audited Balance Sheet and Profit and Loss Account, if any, should be attached.

FORM II

Application for registration of the Chit Agreement

[*See* Section 7 and Rule 5]

Place:

Date:

To,

THE REGISTRAR OF CHITS,
.....
.....

DEAR SIR,

1. (*a*) I.....son of Shri.....being the foreman conducting chit under the name and style of†.....
.....at*.....or
.....
.....

(*b*) We.....
the Chairman and Secretary respectively of the foreman conducting chit business under the name and style of†.....at.....
hereby apply for registration of the chit agreement.

2. The chit agreement in duplicate is attached herewith together with a sum of Rs.....being the registration fees as required under the Chit Funds (Uttar Pradesh) Rules, 19 .

3. The number of current chits which are running as on the date of this application is.....and the aggregate chit amount of these chits involved therein is Rs.....which is within the limit specified in Section 13 of the Chit Funds Act, 1982 (Act No. 40 of 1982).

4. A certified true copy of the sanction obtained under Section 4 of the above Act for commencement and conduct of the chit in question is enclosed. A copy of the application dated the.....together with its enclosures made to the State Government/Authorised Officer in this behalf is also enclosed for information and ready reference.

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5. I/We remit herewith a sum of Rs.....(Rupees in words) .....being the fee prescribed for the purpose

Declaration

6. I/We have read the Chit Funds Act, 1982 (Act No. 40 of 1982) and the Rules made by the State Government thereunder and I/We declare that the chit agreement has been drawn up in conformity with the provisions of the said Act and the Rules.

The above statements are true and complete to the best of my/our knowledge, information and belief.

Your faithfully

Chairman.

Secretary.

Foreman.

Name(s)

Designation(s)

†*for and on behalf of* (*Foreman*)

NOTES—(*i*) †Here enter the name of the applicant institution, if any.

*Here enter the place.

(*ii*) Strike out or *delete* whatever is not applicable.

Insert the designation(s) as may be appropriate to the applicant.

FORM III

[*See* Section 7(2) and Rule 6]

Endorsement of Registration

I hereby certify that the chit agreement relating to the chit proposed to be conducted by .....(the name and address of the foreman should be filled in here) as a foreman has this..... day of.....19 .....been registered by me under sub-section (2) of Section 7 of the Chit Funds Act, 1982 (Act No. 40 of 1982) as Chit No.....of 19.....

Given under my hand and seal this..... day of.....19.....at.....

Signature of Registrar.

FORM IV

[*See* Section 8(4) and Rule 9]

Place:

Date:

To,

THE REGISTRAR OF CHITS,

.....

.....

DEAR SIR,

In terms of sub-section (4) of Section 8 of the Chit Funds Act, 1982 (Act No. 40 of 1982) we hereby seek your approval for appropriating a sum of Rs.....[Rupees (in words).....] by withdrawal from the Reserve Fund of company. This withdrawal has been necessitated by the following circumstances ..... (here state the circumstances under which withdrawal from the Reserve Fund has become necessary).

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2. We enclose for your information a copy each of the profit and loss account and the balance-sheet for the last two accounting years as also a proforma of the balance-sheet and profit and loss account for the current year ended.....19 ..... A true copy of the resolution passed by the Managing Committee/Board of Directors on the .....for appropriation of the said sum from the Reserve Fund is also enclosed. We shall be glad to furnish such further information as may be required by you.

3. We remit herewith a sum of [Rs.....(Rupees in words) .....] being the fees prescribed for the purpose.

4. We shall be glad if you will kindly grant us permission to withdraw a sum of .....from the Reserve Fund.

Your faithfully,
Chairman.
Secretary.
Foreman.
**for and on behalf of*
(*Foreman/Company*)

*Here enter the name of the applicant/company.

FORM V

[*See* Section 9(1) and Rule 10]

Place :
Date :

To,

THE REGISTRAR OF CHITS
.....
.....

DEAR SIR,

By your letter dated the.....you were pleased to grant me/us a certificate of registration to start a new chit of a chit amount of Rs.....and of a duration.....months.

2. I/We have subsequently enlisted the required number of members and we hereby declare in terms of sub-section (1) of Section 9 of the Chit Funds Act, 1982 (Act No. 40 of 1982) that all the tickets specified in the Chit Agreement have been fully subscribed.

3. I/We remit herewith a sum of Rs.....(Rupees in words).....being the fees prescribed for the purpose of filing this declaration.

Your faithfully,
Chairman.
Secretary.
Foreman.
for and on behalf of
(*Foreman*).

Strike out or *delete* whatever is not applicable.
Insert such designation (as may be appropriate to the applicant).

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FORM VI

[*See* Section 9(2) and Rule 11]

Certificate of commencement of Chit

Place:

Date:

OFFICE OF THE REGISTRAR OF CHITS,
.....
.....

I hereby certify that.....* is entitled to commence and conduct the chit†....., the chit agreement in respect of which was registered in my office as Chit No..... of 19 .

Given under my hand and seal, this.....day of.....19 at.....

Signature of Registrar.

(*Seal*)

---

*Here enter the name of the foreman.

†Here mention the chit amount and duration, etc. of the chit/s.

FORM VII

[*See* Section 10(2) and Rule 12]

To,

THE REGISTRAR,
.....

The Chit Funds Act, 1982
(ACT NO. 40 OF 1982)

DEAR SIR,

I/We.....the Foreman of chit/Chairman and Secretary on behalf of the Foreman firm/company conducting the chit, the chit agreement bearing registration number.....of 19 ..... has been registered in the office of the Registrar of Chits,..... do hereby certify that I/we have furnished to every subscriber of the chit a copy of the said chit agreement duly certified by me/us to be a true copy. The copies were furnished to each of the subscribers on.....

The date of obtaining the certificate of commencement of the said chit granted under sub-secution (2) of Section 9 is.....

The first draw of the said chit was held on.....

Place:

Date:

Yours faithfully,
Chairman,
Secretary.
Foreman
for and on behalf of (*Foreman*).....

Strike out/*delete* whatever is not applicable.

Insert the designation(s) as may be appropriate to the applicant.

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FORM VIII

[*See* Section 6 and Rule 13]

Form of Chit Agreement

(*Articles of agreement between the foreman and the subscribers*)

(1) Office where the chit is registered ..

(2) Year and registration number .. Year No.

(3) Full name and address of foreman ..

(4) Occupation (if applicable) ..

(5) Age (if applicable) ..

I. Chit amount and number of tickets—

(1) Number of tickets or fraction thereof held by each subscriber — Full 3/4 1/2 1/4 1/8

(2) Number of instalments and amount payable for each ticket at every instalment — No. Amount Rs.

(3) Chit amount

II. Duration of the Chit—

(1) Date of 1st instalment ..

(2) Dates of subsequent instalments ..

(3) Number of instalments per year ..

(4) Date of termination ..

(5) Duration of the chit .. Years Months

III. The place, time and probable date when the chit is to be commenced—

(1) Place (give full particulars) ..

(2) Probable date ..

(3) Time of commemcement of the proceedings ..

IV. Particulars of security given or deposited by foreman—

(1) Under Section 20 of the Act, the following security sufficient to the satisfaction of the Registrar of Chits, the particulars of which are described below, has been given for the proper conduct of the chit.

(Here enter description of security such as cash/Government security (Immovable property), etc. (In case immovable property has been charged, its particulars such as its description/location/market value etc. should be given),

(2) Number and date of the certificate of Registrar of Chits regarding the sufficiency of security, if obtained.

(3) The foreman shall not get release of the security in full until all the liabilities under the chit are discharged.

V. Mode of conducting the chit—

(1) The subscriber who is to get the prize at any instalment shall be determined by lot or by auction at the time and place specified in Article III.

(Here specify the smallest fraction of a ticket, the prize for which will be determined by lot or by auction, and the time allowed for each purpose).

(2) Where the prize is to be determined by auction, a ticket of fraction thereof shall be auctioned for a sum not less than the chit amount minus foreman's commission, and the subscriber who bids for the highest discount not exceeding 30 per cent of the total amount of the chit shall be entitled to have it confirmed in his name.

NOTE—Wher a fraction of a ticket is auctioned, the subscriber who bids it for the highest discount is entitled to have confirmed in his name at the same rate as may such fractions as he wished to bid.

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(3) In cases where the subscribers are not prepared to bid any ticket or fraction thereof or where the discount is not sufficient to meet the foreman's commission, the subscriber who is entitled to the prize amount shall be determined by lot. The subscriber so determined shall be deemed to be the prized subscriber who shall be entitled to the chit amount for his ticket less foreman's commission for that ticket.

(4) A defaulter subscriber shall not be entitled to take part in the proceedings.

(5) If for any reason the subscriber is unable to take part in the proceedings, he may in writing authorise an agent in that behalf. Such agent shall have all the rights and privileges of a subscriber at such proceedings.

VI. Mode of payment of each instalment—

(1) Every subscriber shall on the date of each instalment pay to the foreman the amount due for his ticket for each such instalment and get a receipt in that behalf from the foreman.

(2) In the case of a prized subscriber, if the amount due from him for a particular instalment is not paid on the date of that instalment, it shall be paid within (here mention weeks or months) with interest at (here specify the rate) failing which it shall be competent to the foreman to realise from the.....
.....defaulter in a lump all the future subscriptions due from him together with the interest due thereon and other incidental expenses.

(3) In the case of a non-prized subscriber, if the amount due from him for a particular instalment is not paid on the date of that instalment, it shall be paid within (here mention weeks or months) with interest at (here specify the rate) failing which it shall be open to the foreman to remove him from the list of subscribers and have another person substituted for such defaulter subscriber. The foreman shall duly inform the defaulter subscriber of the action taken against him.

NOTE—Under clauses (2) and (3) the period within which the amount shall be and the rate at which interest due thereon shall be paid may be such as shall not be inconsistent with the provisions of the Act or any law for the time being in force.

(4) A non-prized defaulting subscriber shall be entitled to the amount paid by him and the discount due to him on his executing an acknowledgment in writing at the time the substituted subscriber draws the prize amount. If the defaulter subscriber fails to obtain the amount due to him, the foreman shall deposit the same in the approved bank. If the foreman fails to pay such subscriber, the amount so due to him on the due date, it shall be competent for such subscriber to realise such amount with interest permissible under the law for the time being in force.

VII. Procedure for receiving the prize amount by a prized subscriber—

(1) A prized subscriber or his nominee shall receive from the foreman the prize amount within (here specify the period) after furnishing to the satisfaction of the foreman sufficient security, for the payment of future subscriptions.

(2) In case the prized subscriber or his nominee fails to receive the prize amount after furnishing sufficient security, the foreman shall deposit the amount in the approved bank and inform the prized subscriber of that fact.

(3) In case the amount so deposited is not sufficient for the payment of future subscriptions, it shall be competent to the foreman to realise from such prized subscriber such amount as may be defficient together with the interest due thereon and all other incidental charges.

(4) In case there remains any portion of the amount deposited after paying the future subscriptions and other charges such portion shall be payable by the foreman to the prize subscriber after the termination of the chit, failing which it shall be competent to the prized subscriber or nominee to realise from the foreman such portion as remains together with the interest due thereon from the date of termination of the chit.

(5) If at any time after the prize amount is deposited in an approved bank, the prized subscriber or his nominee furnishes sufficient security, the foreman shall withdraw the amount so deposited and pay it to the prized subscriber or his nominee after deducting therefrom the amount due from him for the payment of the instalments prior to the date of which the security is furnished.

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(6) If the foreman fails to pay the prize amount to the prized subscriber or his nominee furnishing sufficient security it shall be competent to such subscriber or nominee to realise from the foreman the prize amount together with the interest due thereon from the date of furnishing such security.

VIII. Disbursement of discount—

The discount for every ticket auctioned shall be distributed equally between the prized and non-prized subscribers after deducting therefrom the foreman's commission.

IX. Foreman's commission and the instalment at which the foreman is to get the prize—

(1) (Here specify the date and number of instalment at which the foreman is to get the prize) First and the last instalment not being subject to auction, the subscribers shall be liable to pay the full amount of their tickets.

(2) Here specify the rate per cent of foreman's commission and the total amount of commission chargeable on the chit amount.

NOTE—Any other amount agreed to by the subscribers for any other purpose may also be specified here.

X. Transfer how to be effected—

(1) It shall not be competent to any subscriber to tranfer his rights in a chit except with the consent in writing of the foreman provided that no such consent shall be necessary in the case of transfer by a subscriber whose name has been removed by the foreman from the list of subscribers for default of payment of subscriptions. The transferee (whether he is already a subscriber or not) shall be entitled to no more rights than the transferor had in the chit in respect of the ticket or fraction thereof is transferred.

(2) No transfer of the rights of a foreman to receive subscriptions from the prized subscribers shall be made without the previous sanction in writing of the Registrar of Chits. Any such transfer shall, if it defeats or delays a non-prized subscriber, be avoidable at the instance of such subscriber.

XI. Balance Sheet and subscriber's right to examine chit records—

(1) On termination of a chit, the foreman shall prepare balance sheet containing a summary of the assets and liabilities of the chit and giving such particulars as well disclose the nature of the assets and liabilities and how the value of the assets has been arrived at. Such balance-sheet shall be made available for auditing by the auditors specified in Rule 29 and a certificate of such auditing shall be received by the foreman and kept by him.

(2) The foreman shall make available for examination by the subscribers all the chit records between (here specify the time) on all the dates of the draw.

XII. Banks where chit money may be deposited—

[Here specify the name of the approved bank(s), the foreman proposes to deposit chit money].

XIII. Miscellaneous—

(1) The subscriber who gets his prize at the last instalment shall be entitled to the chit amount less than foreman's commission. The foreman shall pay up such amount within (here specify the period) after the date of termination of the chit failing which the prized subscriber shall be competent to realize the amount from the foreman together with the interest due thereon from the date aforesaid.

(2) Any amount due to the foreman from any subscriber on account of the chit shall be a first charge on the subscriptions paid by such subscriber. Similarly, the security and all chit moneys deposited by the foreman shall be liable for discharging any amount due from the foreman to the subscribers.

(3) Receipts shall be granted for all payments by the foreman to the subscriber so by the subscribers to the foreman.

(4) The chit amount shall in no case be enhanced; but if necessary it may be reduced.

(5) The foreman shall convene a meeting on the requisition in writing of not less than 25 per cent of the number of non-prized and unpaid prized subscribers for making any

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alteration in the chit agreement not inconsistent with the provisions of the Act and the Rules made thereunder.

(6) If for any default of the foreman , the conduct of the chit is not continued, the foreman shall pay to the non-prized subscribers their contributions including discount within (here specify the period), failing which it shall be competent to such subscribers to realise the amount together with the interest due thereon from the foreman or from all or any of the following assets :

(*a*) the security given or deposited by the foreman ;

(*b*) other properties belonging to the foreman ;

(*c*) the future subscriptions due to the foreman from the prized subscribers.

(7) In case where the foreman holds tickets as an ordinary subscriber in addition to the ticket of which he is entitled to the prize without deduction of the discount, he shall not have any more rights or privileges than the other subscribers have in the chit. When the foreman bids such tickets, he shall furnish sufficient security for the payment of future subscriptions as required by the Act and the rules made thereunder.

(8) If before the termination of the chit, the foreman dies or otherwise becomes unable to conduct the chit.

(*i*) here specify the arrangements made for the conduct of the chit.

(*ii*) in such a case any one or more of the non-prized subscribers authorised by a special resolution may, in the absence of any provision in this chit agreement for the future conduct of the chit, take the place of the foreman and have the right to continue the chit or to make suitable arrangements for the future conduct of the chit.

(9) Here specify any other provisions that may be agreed to such as payment of interest or penalty, if any, payable or any default in the payment of stipulated instalments, etc.

(10) The subscriber who have affixed their signature hereunder agreed to the above articles.

Serial No.	Name and full address of subscriber	No. of tickets taken	Subscriber's signature and date	Name, signature and address of witness
1				
2				
3				
4				
5				
etc.				

FORM IX

[*See* Section 16 and Rule 16]

Notice to subscribers of Chit Number of 19

SIR,

This is to inform you that the..... draw in monthly/quarterly/half yearly/yearly Chit No..... /19.....in which you are one of the subscribers will be held on, ...day..... (Month) 198.....at.....A.M./P.M. at..... (Address) .....

You may kindly make it convenient to be present at the draw in person or by your duly authorised agent.

Yours faithfully,
Secretary/Foreman.
for and on behalf of
(Foreman)

Strike out or *delete* whatever is not applicable.
Insert such designation(s) as may be appropriate.

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FORM X

Application for permission to furnish security for conducting the chit

[*See* Section 20 and Rule 18]

To,

THE REGISTRAR OF CHITS,
.....
.....

DEAR SIR,

I/We propose to give the undernoted security in respect of the chit proposed to be started by me/us, the certificate for commencement of which was granted by you on..... .....(*vide* No....., dated.....). Other particulars are also given below :

1.	Name and address of the applicant ..	
2.	Age and occupation	
3.	Chit amount	
4.	Details of cash/Government security/ any other moveable security offered as security.	
5.	Details of immovable properties offered as security.	1. .....District.....Sub-District..... Taluka..... Village....., Serial No..... area etc. 2. Do. Do.) etc.
6.	(Rights of the applicant over the property).	
7.	Market value of the property.	
8.	(Details of prior encumbrances, if any, on the property.)	
9.	Moveable (and immovable) properties belonging solely to the applicant (to be shown separately).	
10.	Whether the applicant has any debt and if so, the amount of such debt.	
11.	Whether the applicant has conducted any chit before and if so, whether there is any subsisting liability under the same.	

(*I am/We are appending herewith—

(1) title deed in support of title to the property offered as security ; and

(2) the encumbrance certificate of the property for the past 30 years).

The information and particulars furnished herein are true and correct to the best of my/our knowledge, information and belief.

Yours faithfully,
Chairman.
Secretary.
Foreman.
Signature(s)
for and on behalf of.....

Place :
Date :

NOTES—(1) *Applicable only when the security offered is immovable property.

(2) Strike out/*delete* whatever is not applicable.

Insert the designation as may be appropriate to the applicant.

Details of decision

(*Seal*)

Segnature of Registrar of Chits.

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FORM XI

Certificate of sufficiency of security

[*See* Rule 18]

To,

OFFICE OF THE REGISTRAR OF CHITS,

.....

Place:

Date:

In the case of

1. Cash/Government security/other movable security

I hereby certify that I am satisfied that the amount/Government security/other security (to be specified) mentioned herein and deposited in an approved bank/transferred in my name is adequate and that the same can be accepted under Section 20 of the Chit Funds Act, 1982 (Central Act No. 40 of 1982).

(*Seal*) *Signature of Registrar of Chits.*

2. Security of immovable property

I hereby certify that the valuation of the properties as given in the application dated filed by the foreman/subscriber-foreman is correct, and that it can be accepted under Section 20 of the Chit Funds Act, 1982.

(*Seal*) *Signature of Registrar of Chits.*

Strike out/*delete* whatever is not applicable.

FORM XII

[*See* Section 28(3) and Rule 20]

Application for the substitution of the security

Place:

Date:

THE REGISTRAR OF CHITS,

.....

.....

DEAR SIR,

I/We propose to give the undernoted security in substitution of the original security for proper conduct of the chit, for the commencement of which a certificate had been granted by you (*vide* No....., dated.....). Certain other particulars are also given below :—

1. Name of Foreman. ..
2. Age and occupation if the foreman is not a firm or a company.
3. The office in which the chit agreement of the chit has been registered and the number and year of registration.
4. Chit amount .. .. Rs.
5. Details of the original security given ..
6. Details of all moveable (and immovable) properties belonging solely to the applicant.
7. Whether the applicant has any debt and if so, the amount of any such debt and to whom they are due.

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8. Details of Government security/other securities offered as substituted security.

We/I hereby declare that the information and particulars furnished herein are true and correct to the best of my/our knowledge, information and belief.

Yours faithfully,
Chairman.
Secretary.
Foreman.
Signature(s)
for and on behalf of.....

Strike out/*delete* whatever is not applicable.

Insert, the designations as may be appropriate to the applicant.

Decision of Registrar.

(*Seal*). *Signature of Registrar.*

FORM XIII

Form of Register of subscribers to be maintained

Office where the chit agreement of the chit is registered.....
The registration number and year of registration of the chit agreement of the chit.....

Serial number according to chit agreement	Name and full address of the subscriber	Date of signing the chit agreement	Date of receipt of the copy of the chit agreement by the subscriber	Chit subscriber	
				Number of tickets	Amount
1	2	3	4	5	6
					Rs.

Assignment

Name and address of the assignee	Date of assignment	Number and fraction of tickets	Amount	Date on which the Foreman recognised the assignment
7	8	9	10	11
			Rs.	

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Substitution

Reason for the removal of subscriber	Date of removal	Name and address of the substituted subscriber	Date of substitution	Number and fraction of tickets	Amount	Date of intimation of the substitution to the removed subscriber	Remarks
12	13	14	15	16	17	18	19

FORM XIV

[*See* Section 23 and Rule 25]

Form of the Ledger to be maintained

Office where the chit agreement of the chit is registered.....
Registration number of the chit agreement.....
Section I—Receipts and payments in respect of subscriber—

Number of subscriber .. ..
Name of subscriber .. ..
Number of tickets taken .. ..
Chit amount .. ..

Ledger

Rs.

Date	Number of instalment	On what account received or paid by the Foreman	Amount of subscription for each instalment	Dividend due to the subscriber for each instalment
1	2	3	4	5
			Rs.	Rs.

Amount paid by subscriber		Amount received back by subscriber	General number in the day book	Signature of the		Remarks
Share amount	Interest			Subscriber	Foreman or agent	
6	7	8	9	10	11	12
Rs.	Rs.	Rs.				

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Section II—Deposit and withdrawal account of the Foreman.....
Name of the bank in which money is deposited.....

Date	For what purpose deposited or withdrawn	Amount deposited	Interest accruing	Balance after each transaction	Amount withdrawn
1	2	3	4	5	6
		Rs.	Rs.	Rs.	Rs.

Balance	Number in the day book	Signature of the Foreman	Remarks
7	8	9	10
Rs.			

FORM XV

[*See* Section 23 and Rule 25]

Form of the Day Book to be maintained

Office where the chit agreement of chit is registered.....
Registration number of the chit agreement.....

Day Book

Date	General number	On what account received or paid	Receipts				
			Subscriptions	Interest	Withdrawal from bank	Other items	Total receipts
1	2	3	4	5	6	7	8
			Rs.	Rs.	Rs.	Rs.	Rs.

Reference to receipt in the receipt book	Expenditure				
	Amount paid to subscriber	Foreman's Commission	Deposit in the bank	Other items	Total expenditure
9	10	11	12	13	14
	Rs.	Rs.	Rs.	Rs.	Rs.

Balance	Reference to the page number of the voucher in the file of vouchers	Signature of Foreman	Remarks
15	16	17	18
Rs.			

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NOTES—(1) The balance should be struck in column (15) at the close of each day. The monthly total of receipts and expenditure shall be struck at the end of each month.

(2) In column (2) each transaction shall be assigned as serial number. There shall be one separate set of serial numbers for each calendar year.

(3) If any amount is received from or paid to more than one subscriber at a time the amount paid to or received from each subscriber should be entered as a separate item.

(4) If more than one amount is received from or paid to the subscriber at a time each amount paid to or received from the subscriber should be entered as separate item.

FORM XVI

[*See* Section 23 and Rule 25]

Form of the Receipt Book to be maintained

Original Receipts Serial number

Duplicate

Received from.....to the credit of.....the amounts detailed below in respect of the chit argeement registered under number.....of..... 19 .

	Rs.	P.
Payment for current instalment	..	
Arrears of subscription (with details)	..	
Penalty for overdue subscription	..	
Fees for inspection of records	..	
Other receipts (to be specified)	..	
Total	..	

(In words Rupees Paise)

Date :

for and on behalf of
*Foreman**

NOTE—Strike out/*delete* whatever is not applicable.

Insert the designation(s) as may be appropriate to the applicant.

FORM XVII

[*See* Section 64 and Rule 45]

Application for reference of a dispute to arbitration

Before

The Registrar/Additional/Joint/Deputy/Assistant Registrar.

1. Name : Age :
   Occupation : Address :
2. Name : Age :
   Occupation : Address :
3. Name : Age :
   Occupation : Address :

Disputants.

Versus

1. Name : Age :
   Occupation : Address :
2. Name : Age :
   Occupation : Address :
3. Name : Age :
   Occupation : Address :

Opponents.

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(Here give full particulars of the claim or the facts of the case constituting the cause of action, that is, when it arose etc.

The disputant/disputants prays/pray as under :—

.....

.....

In support of the above claim or relief sought I/We enclose documents and papers as per the list annexed hereto.

Date : (*Signed*).....
Disputant/Disputants.

I/We.....disputant/ disputants declare that the facts stated above are ture to the best or my/our knowledge and belief.

Date : (*Signed*) (1).....
(1).....
(3)..... } *Disputants.*

Filed in the office of.....on.....19 .

NOTES—(1) In case there are more disputants or opponents their names, address, age and occupations should also be mentioned.

(2) In disputes relating to monetary claims, the disputants should state the precise amount claimed but where this cannot be exactly ascertained the disputants shall state the approximate amount claimed.

(3) When the disputant-foreman is a company/co-operative society or a partnership firm, a copy of the resolution of its Board or Directors or as the case may be Managing Committee shall accompany the application.

FORM XVIII

[*See* Section 71 and Rule 54]

Proclamation to be issued at the time of the issue of a certificate

A—In the case of immovable property—

Whereas.....(Judgment-creditor) has obtained an award under Section 69 of the Chit Funds Act, 1982 (Central Act No. 40 of 1982) for an amount of Rs.....*t*....against ..... (judgment-debtor) and proposes to execute the same by sale of the under-mentioned property of the said judgment-debtor and whereas the said judgment-creditor has obtained a certificate dated.....for execution of the award under Section 71 of the said Act.

Notice is hereby given that any private transfer or delivery of, or encumbrance or charge on, the property made or created after the issue of the certificate shall be null and void against the said judgment-creditor under Section 72 of the Act aforesaid.

Description of the Property

Date of award or order	Names of the parties against whom award or order has been passed and certificate under Section 71 has been issued	Survey No. or house No.	Name of the village or town etc.	Area	Assessment or other taxes	Other description of the property such as boundaries etc.	Remark
1	2	3	4	5	6	7	8
				Rs. P.			

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The notice shall be proclaimed at some place on or adjacent to such property by best of drum or other customary mode, and a copy of the said notice shall be fixed on a conspicuous part of the property and upon a conspicuous part of the village chawhaddi and also where the property is land paying revenue to the State Government, in the office of the Collector of the District in which the land is situated.

Place.....

Date: *Registrar of Chits.*

.....

B. In the case of moveable property a similar notice may be given with necessary changes as to the description of the property. A copy of the notice shall be delivered to the judgment-debtor.

FORM XIX

[*See* Rule 56(5)]

Certificate for Transfer of Property

In the case of immovable property:

Whereas in execution of the award made under Section 69 of the Chit Funds Act, 1982 (Central Act No. 40 of 1982) in favour of..... (hereinafter referred to as the judgment-creditor) an order was passed on the..... .....day of.....19 , for sale of the under mentioned property of the person or persons (debtor or debtors);

Any whereas the Court/the Collector/the Registrar is satisfied that the said property cannot be sold for want of buyers;

Now, therefore, it is hereby ordered that the right, title and interest of the debtor in the said property shall vest in the said judgment-creditor and shall be delivered to him subject to the terms and conditions laid down in the Schedule hereto annexed.

Description of the Property

Survey No.	Area and assessment	Nature of right, title and interest of the defaulter	Details of encumbrances to which property is subject

THE SCHEDULE

The said property is transferred to the judgment-creditor in full/partial satisfaction of the amount due to him from the debtor.

Given under my hand and seal of the Court/Collector/Registrar this ....day of.....19 .

Court/Collector/Registrar of Chits.

In the case of moveable property:

(The form shall be similar but with necessary changes as regards the description and the delivery of the property)

FORM XX

Form of letter of authority

[*See* Sub-rule (*c*) of Rule 2]

I.....who/am/is.....
(name)
.....of M/s.....
(Designation)

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being a foreman of the chit series No.....registered under registration No.....hereby appoint Shri..... .....as my authorised representative to attend on my/our behalf in the matters connected with the above chit to produce accounts and documents and to receive on my/our behalf any notice or document issued and to take all necessary steps in the matter.

The said Shri..... is also hereby authorised to act on my behalf.

.....
behalf of the said

In the said matter.

I/ We agree to ratify all acts done by the said..... Shri.....in pursuance of this authority.

Place: *Signature*:

Date: *Status*:

FORM XXI

[*See* Rule 28(2)]

Name of the Foreman

(*i*) Office where the bye-laws of the Chit are registered.

(*ii*) Date on which the balance sheet was prepared.

(*iii*) Number of instalments conducted till date of Balance Sheet.

(*i*) Registration number and year of the by-laws of the Chit.

(*ii*) Name of the Foreman.

(*iii*) Chit amounts.

(*iv*) Number of instalments.

I. RECEIPTS AND EXPENDITURE

Receipt	Current year	Total including previous years	Expenditure	Current year	Total including previous years
1	2	3	4	5	6
	Rs. P.	Rs. P.		Rs. P.	Rs. P.
1. Subscriptions paid by the prized and non-prized.			1. Prize amounts disbursed to prized subscribers.		
2. Receipts under dividend.			2. Interest paid to subscribers.		
3. Interest realized from the subscribers.			3. Amounts paid to defaulter non-prized subscribers.		
4. Contributions by substituted or assignee non-prized subscribers in respect of dues of defaulters.			4. Amount contributed by Foreman for payment of the prize amount.		
5. Any other amount received from subscribers.			5. Foreman's commission.		

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1	2	3	4	5	6
6. Amount contributed by the Foreman for payment of prize amount.			6. Amounts on account of interest realised for delayed payments and forfeited dividend.		
7. Interest accrued from investments.			7. Dividend paid.		
8. Other items (details to be annexed).			8. Debt. Sinking Fund.		
9. Investments withdrawn.			9. Other items (details to be annexed). Total Expenditure ..		
			10. Investments made.		
GRAND TOTAL			GRAND TOTAL		

II. STATEMENT OF ASSETS AND LIABILITIES

Assets	*Rs.*	*P.*	*Liabilities*	*Rs.*	*P.*
1. Amounts due on account of arrears of subscription due from prized subscribers.			1. Amounts paid by non-prized subscribers (including dividend).		
2. Amounts due from the subscribers including the Foreman towards future subscriptions.			2. Amounts due to non-prized defaulter subscribers.		
3. Interest due from defaulter subscribers.			3. Arrears of prize amount due to prized subscribers.		
4. Investments in bank (including interest thereon).			4. The amounts due to the Foreman towards contributions made by him for payment of Prize amount.		
5. Other items (details to be annexed).			5. Other items (details to be annexed).		
6. Sinking Fnnd.			6. Debt. Sinking Fund.		
Total ..			Total ..		

III. DETAILS OF INVESTMENTS

Receipts	*Rs.*	*P.*
1. Investment made on account of the failure on the part of prized subscribers to receive the prized amount due to them.		
2. Investment made on account of lump sum collection made from defaulter prized subscribers.		
3. Amount deposited for payment to non-prized defaulter subscribers.		
4. Investments on account of other items of receipts of the chit (details to be annexed)		
Total ..		

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IV. ASSESSMENT OF VALUE OF INVESTMENT

1. Investment in Pass Book Account Number.

2. *Amount due from the future instalments of the Chit as per bonds, etc. obtained for.....instalments of the chit including the arrears of Rs.....due on account of defaulting instalments from defaulters.

3. Balance of contributions due from the Foreman on account of prize amount received by him.

NOTE—To facilitate audit of balance-sheets, the following statements of details should be anexed by the Foreman to the balance-sheet—

(*i*) Statement of details of receipts and expenditure for each instalments.

(*ii*) of disbursement.

(*iii*) of the prize amount in respect of each instalment, and

(*iv*) Statement of details of arrears due on the date of the preparation of the balance-sheet from the prized and non-prized subscribers.

*Particulars of documents to be entered here. Security offered by the Foreman, Hypothecation bonds, etc. executed under Section 20, and hypothecation bonds etc. obtained from the prized subscribers under Section 31 of the Act.

V. CERTIFICATE BY FOREMAN

I certify that the above accounts have been prepared correctly and that they contain a true and complete statement of the affairs of the chit.

Date: *Name and Signature of the Foreman.*

VI. CERTIFICATE BY AUDITOR

Certified that I have examined that chit books and records maintained in respect of the chit.....the bye-laws of which have been registered in.....as number.....19 ..... conducted by Foreman.....and have verified the entries in the accounts with the books. The accounts are drawn up in conformity with the provisions of the Chit Funds Act, 1982 and the Rules framed thereunder.

Name and signature of the Auditor,

APPENDIX II

[*See* Sections 62, 63 and Rule 42]

Levy of fees under Sections 62 and 63 of the Chit Funds Act, 1982

[ACT No. 40 OF 1982]

TABLES OF FEES

		Rs. P.
1.	For the application of previous sanction to commence or conduct a chit under sub-section (2) of Section 4.	100.00
2.	For filing a chit agreement under sub-section (1) of Section 7. ..	1.00
3.	For issue of certificate of commencement of chit business under sub-section (2) of Section 9.	15.00
4.	For filing of certificate under sub-section (2) of Section 10 ..	1.00
5.	For filing a copy of the minutes of the proceedings under Section 17 ..	2.00
6.	For every application for registration of an alteration, addition or omission of any provision in chit agreement under sub-rule (1) of Rule 14.	5.00

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7. A fee of rupee five shall be levied in each case for filing with the Registrar—

(*a*) a copy of each entry relating to the removal of defaulting subscriber under sub-section (3) of Section 28.

(*b*) a true copy of each entry relating to the substitution of a subscriber under sub-section (2) of Section 29.

(*c*) a true copy of entry relating to transfer of the rights of foreman under Section 37.

(*d*) a copy of entry relating to transfer of non-prized subscriber's right under Section 37.

(*e*) a true copy of assent of non-prized subscribers and unpaid prized subscribers of withdrawal of a foreman under Section 41.

(*f*) a true copy of consent of all non-prized or unpaid prized subscribers to the termination of chit under Section 41.

(*g*) each petition protesting against or objecting to the orders passed or proposed to be passed by the Registrar.

8. If the balance-sheet is audited under Section 24 or the chit books and records inspected by the Registrar or any officer authorised by the Registrar under Section 46 or the accounts books and other records of the chit audited by the Chit Auditor at the premises of the foreman or outside the office of the Registrar, for each such audit or inspection. 50.00

9. For inspection of one or more records relating to a chit under Section 62 for each inspection. 1.00

10. For every 100 words or fraction thereof of a copy or extract of the records relating to a chit furnished under Section 62. 0.25

11. For every 100 words or fraction thereof of a certified copy of any order, judgment or award made by the Registrar or his nominee under Section 69. 0.25

12. For every appeal to the State Government under Section 74. 25.00

Composition Fees:

13. (1) Composition fees for offences committed under sub-sections (1) and (3) of Section 76 of the Chit Fund Act, 1982. 3,000

(2) Composition fees for offences committed under sub-section (2),(*a*),(*b*) and (*c*) of Section 76 of the Chit Fund Act, 1982. 1,500

[114] **English translation of Shram Anubhag-1, Noti. No. 4520(ST)/XXXVI-1-549(ST)-84, dated October 16, 1986, published in the U. P. Gazette, Extra., Part-4, Section (kha), dated 16th October, 1986, pp. 3-4**

Whereas discontentment was brewing amongst the workmen employed in the engineering industry as there had been no wage increase after September, 1980 and as a result there was labour unrest;

And whereas the State Government convened a State Labour Tripartite Conference of the Engineering Industry on March 29, 1986 to resolve the demands of the workmen regarding revision in wages, dearness allowance and house rent allowance, permanancy, grant of casual and festival holidays and to consider ways and means to prevent labour unrest in the industry but after discussion by unanimous decision is was postponed for April 11, 1986;

And whereas the Tripartite Conference could not be convened on April 11, 1986 and the demands of the workmen of the engineering industry remained unsolved as a result of which there had been labour unrest and strike notices were served at some centres;

And whereas due to widespread labour unrest loss of industrial peace and public order was apprehended, the State Government convened the tripartite conference of the industry on July 5, 1986 in which the issues regarding wage, dearness allowance, rise in house rent allowance, permanancy, grant of casual and festival holidays, ways and means to prevent labour unrest in the industry were discussed;

And whereas the parties after long deliberations in the said conference arrived at a consensus to request the State Labour Minister to give her decision in the matter of wage increase and other issues and the same shall be binding on the parties;

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And whereas the State Labour Minister after hearing the parties announced her decision in regard to wage increase to the workers of the industry;

And whereas the workers of said industry went on token strike on August 11, 1986 at some centres;

And whereas in the opinion of the State Government it is necessary to enforce the decision of the State Labour Minister regarding wage increase announced in the said conference for securing public safety and convenience and maintenance of the public order and for maintaining employment;

Now, therefore, in exercise of the powers under clause (*b*) of Section 3 of the **U.P. Industrial Disputes Act, 1947** (U. P. Act No. 28 of 1947) the Governor is pleased to make the following order and to direct with reference to Section 19 of the said Act that notice of this order shall be given by publication in the Gazette :

ORDER

1. The employer of the factories and establishments of the engineering industry, who employ fifty or more workmen shall give an interim wage increase of Rs. 45 (forty-five rupees) per month, with effect from July 1, 1986 to all the workmen in their basic wages.

2. If any employer has already granted any *ad hoc* wage increase to his workmen either unilaterally or through a settlement on or after July 1, 1985, the same may be adjusted in the interim wage increase allowed in para 1 above.

3. This order shall also apply to factories and establishments which may be established hereafter and fulfil the requirements of an engineering industry.

4. Where an establishment has more than one unit functioning in the State, the aggregate number of workmen in all such units and not merely the number of workmen in any particular unit shall be taken into consideration for purposes of implementation of this order.

5. The workshops attached to non-engineering establishments maintained principally for service and maintenance of the non-engineering establishments to which they are attached, shall not be covered by this order.

6. Workshops attached to a non-engineering establishment if engaged in substantial diversification and manufacturing of engineering products for sale, shall be included within the meaning of Engineering Industry and the provisions of this order shall apply to them.

7. Primary producers of non-ferrous metals e.g. producers of metal ingots (except steel) shall be covered by this order.

8. Enamelling companies doing enamelling work alongwith other engineering activities shall be within the purview of this order, provided that where enamelling is done as a chemical process without engineering activity, such establishments shall not be covered by this order.

9. Automobile repairing industry shall be covered by this order.

10. In a mixed type of unit carrying on engineering and non-engineering work, where the number of workmen engaged in engineering work is forty per cent or more of the total number of workmen employed in the unit inclusive of those working in tool room, maintenance work etc. such unit shall

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be covered by this order if workmen engaged therein are not already covered by recommendations of any other Wage Board.

11. Public-Sector undertaking run by any department of the Government shall not be covered by this order.

12. Employees employed by or through the contractors shall also be covered by the provisions of this order.

13. Employees in head offices, cash offices, liaison offices, registered offices of engineering units covered by this order and situated within Uttar Pradesh whether located within the premises of the factory or outside shall also be covered by this order.

14. This order shall not be applicable to such engineering units who are paying wages and dearness allowance according to the recommendations of the Central Wage Board for engineering industry or more than that.

15. Where any dispute arises between an employer and his workman in regard to the implementation of this order, the same can be referred to the Labour Commissioner, Uttar Pradesh, who shall investigate in the matter and give his final decision which shall be final and binding on the parties.

16. Arrears of the said interim wage increase shall be paid to workmen within one month from the date of publication of this order in the Gazette.

17. This order shall come into force from the date of its publication in the Gazette and shall remain in force for a period of one year.

[115] **English translation of Shiksha Anubhag-10, Noti. No. 5636/XV-X-87-10(6)-85, dated December 14, 1987, published in the U. P. Gazette, Extra., Part-4, Section (ka), dated 14th December, 1987, p. 2**

In exercise of the powers under sub-section (1-A) of Section 50 of the **Uttar Pradesh State Universities Act, 1973** (President's Act No. 10 of 1973) as re-enacted and amended by the Uttar Pradesh Universities (Re-enactment and Amendment) Act, 1974 (U. P. Act No. 29 of 1974) read with Section 21 of the Uttar Pradesh General Clauses Act, 1904 (U. P. Act No. 1 of 1904), the Governor is pleased to make the following Statutes with a view to amending the Allahabad University First Statutes, 1976.

1. Short title and commencement.—(1) These Statutes may be called the **Allahabad University (Twenty-eighth Amendment) First Statutes, 1987.**

(2) They shall come into force from the date of their publication in the Gazette.

2. Amendment of Statute 16.24.—In Statute 16.24 of the Allahabad University First Statutes, 1976, hereinafter referred to as the said Statutes for the existing provisos the following provisos shall be *substituted*, namely :—

"Provided that a teacher whose date of superannuation does not fall on June 30 shall continue in service till the end of the academic session, that is, June 30 following, and will be treated as on re-employment from the date immediately following his superannuation till June 30, following :

Provided further that such physically and mentally fit teachers shall be re-appointed for a further period of one year, after June 30 following, the date of their superannuation, as were imprisoned for taking part in freedom struggle of 1942 and are getting freedom fighters pension."

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3. **Amendment of Statute 17.15.**—In Statute 17.15 of the said Statutes for the existing provisos the following provisos shall be *substituted*, namely :—

"Provided that a teacher whose date of superannuation does not fall on June 30 shall continue in service till the end of the academic session, that is June 30 following, and will be treated as on re-employment from the date immediately following his superannuation till June 30, following :

Provided further that such physically and mentally fit teachers shall be re-appointed for a further period of one year, after June 30 following, the date of their superannuation, as were imprisoned for taking part in freedom struggle of 1942 and are getting freedom fighters pension."

[116] **English translation of Shiksha Anubhag-10, Noti. No. 6987/XV-X—87-15(75)-79, dated December 30, 1987, published in the U. P. Gazette, Extra., Part-4, Section (kha), dated 30th December, 1987, p. 2**

In exercise of the powers under sub-section (1-A) of Section 50 of the **Uttar Pradesh State Universities Act, 1973** (President's Act No. 10 of 1973) as re-enacted and amended by the Uttar Pradesh Universities (Re-enactment and Amendment) Act, 1974 (U. P. Act No. 29 of 1974) read with Section 21 of the Uttar Pradesh General Clauses Act, 1904 (U. P. Act No. 1 of 1904), the Governor is pleased to make the following Statutes with a view to amending the Kanpur University First Statutes, 1977.

1. **Short title and commencement.**—(1) These Statutes may be called the **Kanpur University (Twenty-fifth Amendment) First Statutes, 1987.**

(2) They shall come into force from the date of their publication in the Gazette.

2. **Amendment of Statute 16.24.**—In Statute 16.24 of the Kanpur University First Statutes, 1977, after the existing second proviso the following proviso shall be *inserted*, namely :—

"Provided also that a teacher, who is treated to be on re-employment from the date immediately following the date of his superannuation till June 30 following, will be entitled to pay and other benefits admissible to a Government employee of equal status."

[117] **English translation of Nagar Vikas Anubhag-5. Noti. No. 944/XI-5—88-99-DA-78, dated February 26, 1988, published in the U. P. Gazette, Extra., Part-4, Section (kha), dated 26th February, 1988, p 2**

In exercise of the powers under sub-section (3) of Section 4 of the **Uttar Pradesh Special Area Development Authority Act, 1986** (Act No. 9 of 1986), the Governor is pleased to constitute as under an Authority to be called the Ayodhya Special Area Development Authority, for the Ayodhya Special Development Area declared under Government notification No. 943/XI-5—88-99-DA-78, dated February 26, 1988.

Ayodhya Special Development Authority

1. Shri Shyam Singh Bishen, I.A.S. (Retd.), Stanley Road, Allahabad. — *Chairman*
2. Secretary to Govt., U. P. Housing and Urban Dev. Deptt. — *Ex-officio Member*
3. Principal Secretary to Govt., U. P. Finance Deptt. — ,,

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4.	Principal Secretary to Govt., U. P. Tourism and Cultural Affairs.	*Ex-officio Member*
5.	Secretary to Govt., U. P. Planning Deptt.	,,
6.	Secretary to Govt., U. P. Forest Deptt.	,,
7.	Special Secretary to Chief Minister (Kumari Sarla Sahni)	,,
8.	Chief Town and Country Planner, U. P.	,,
9.	Chairman, U. P. State Electricity Board	,,
10.	Chairman, U. P. Jal Nigam	,,
11.	District Magistrate, Faizabad	,,
12.	Vice-Chairman, Faizabad Dev. Authority	,,
13.	Sri Madan Pandey, M. P.	*Member*
14.	Sri Nirmal Khatri, M. P.	,,
15.	Sri Surendra Pratap Singh, M.L.A.	,,

[118] English translation of Gopan Anubhag-8, Noti. No. 111/1/1/80-CX-8, dated March 15, 1988, published in the U. P. Gazette, Extra., Part-4, Section (kha), dated 15th March, 1988, p. 2

Whereas in the past, there have been incidents of violence in certain districts of Uttar Pradesh and as a reaction thereto, similar incidents have occurred in the other parts of the State and are likely to occur in future in other parts of the State also;

And whereas anti-social elements are indulging in activities prejudicial to the security of the State, maintenance of public order and maintenance of supplies and services essential to the life of the community;

And whereas in view of the aforesaid circumstances prevailing and likely to prevail in Uttar Pradesh, the State Government is satisfied that it is necessary so to do;

Now, therefore, in exercise of the powers conferred by sub-section (3) of Section 3 of the **National Security Act, 1980** (Act No. 65 of 1980) read with Section 21 of the General Clauses Act, 1897 (Act No. X of 1897) and in partial modification of the orders contained in Government notification No. 111/1/1/80-CX-6, dated September 25, 1980 as modified from time to time and lastly modified by Government notification No. 111/1/1/80-CX-8, dated December 15, 1987, the Governor is pleased to empower all the District Magistrates in the State to exercise the powers conferred by sub-section (2) of the said Section 3 for a further period of three months with effect from March 23, 1988.

[119] English translation of Abkari Anubhag-2, Noti. No. 1153 E-2/XIII-37-87-TC, dated March 29, 1988, published in the U. P. Gazette, Extra., Part-4, Section (ka), dated 29th March, 1988, p. 2

In exercise of the powers under Section 30 of the **U. P. Excise Act, 1910** (U. P. Act No. IV of 1910), read with Section 21 of the Uttar Pradesh General Clauses Act, 1904 (U.P. Act No. 1 of 1904), the Governor is pleased to make, with effect from April 1, 1988, the following amendment in Government notification No. 3842-E/XIII-512-83, dated May 25, 1983 as amended by notification No. 632-E-2/XIII-37-86 T.C., dated March 21, 1988:

Amendment

In the aforesaid notification, for the existing item (2), the following item

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shall be *substituted*, namely—

"(2) Fees assessed on the basis of sales—

(*a*) deleted.

(*b*) Beer, stout and other fermented liquors. } Re. 0.60 per reputed quart bottle."

[120] **English translation of Parivahan Anubhag-4, Noti. No. 2052-T/XXX-4—87-6-KM-80, dated May 5, 1987, published in the U. P. Gazette, Extra., Part-4, Section (ka), dated 7th May, 1987, p. 2**

In exercise of the powers under sub-section (1) of Section 43 of the **Motor Vehicles Act, 1939** (Act No. IV of 1939), read with Section 21 of General Clauses Act, 1897 (Act No. X of 1897), and with a view to modifying the earlier directions, the Governor is pleased to issue the following directions to the State Transport Authority, Uttar Pradesh to fix the maximum rates of freight of newspapers carried by the Stage Carriages in Uttar Pradesh after their previous publication as required under proviso to sub-section (1) of Section 43 of the said Act in Government notification No. 1183-T/XXX-4—87-6-KM-80, dated March 18, 1987, published in the Uttar Pradesh Gazette Extraordinary, dated March 24, 1987.

DIRECTIONS

The State Transport Authority, Uttar Pradesh is directed to fix the maximum rates of freight for carrying newspapers in stage carriages in Plains and Hill regions in Uttar Pradesh in accordance with the rates given in (Column 4) of the table below :

THE RATES

The rates of freight for carriage of newspapers, by stage carriages in Plains and Hill regions in Uttar Pradesh :

Sl. No.	Distance	Present rates per kilogram per month	Revised rates per kilogram per month
1	2	3	4
1	For distance up to 32 kms. ..	Rs. 0.54	Rs. 1.00
2	For distance above 32 Kms. but not exceeding 48 Kms. ..	Rs. 0.80	Rs. 1.50
3	For distance above 48 Kms. but not exceeding 64 Kms. ..	Rs. 1.07	Rs. 2.00
4	For distance above 64 Kms. but not exceeding 80 Kms. ..	Rs. 1.34	Rs. 2.50
5	For distance exceeding 80 Kms. for every 16 Kms. or part thereof ..	Rs. 0.27	Rs. 0.50

Note.—Fraction of one kilogram will be charged as one kilogram.

[121] **English translation of Shram Anubhag-3, Noti. No. 539/XXXVI-3—6(S)-85, dated May 21, 1987, published in the U. P. Gazette, Extra., Part-4, Section (kha), dated 21st May, 1987, p. 2**

In exercise of the powers under sub-section (3) of Section 3 of the **Uttar Pradesh Dookan Aur Vanijya Adhisthan Adhiniyam, 1962** (U. P. Act No. XXVI of 1962), the Governor is pleased to exempt in public interest all corporations/commercial establishments run by the State Government from the operation of all the provisions of the said Adhiniyam.

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[122] English translation of Parivahan Anubhag-4, Noti. No. 1186T/XXX. 4-22P/77, dated March 30, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 31st March, 1988, pp. 10-19

In exercise of the powers under Sections 21, 41, 68, 70, 71 and 134 of the **Motor Vehicles Act, 1939** (Act IV of 1939), the Governor is pleased to make the following rules with a view to amending the U.P. Motor Vehicles Rules, 1940 after their previous publication in Government notification No. 3450T/XXX-4-86-22P/77, dated December 3, 1986 published in the Uttar Pradesh Gazette extraordinary dated December 20th, 1986 as the Uttar Pradesh Motor Vehicles [Forty third (Ka) Amendment] Rules, 1986 under sub-section (1) of Section 133 of the said Act :—

1. Short title and commencement.—(1) These Rules may be called the **Uttar Pradesh Motor Vehicles (Forty-Fourth) Amendment Rules, 1987.**

(2) They shall come into force with effect from the date of their publication in the Gazette.

2. Amendment of Rule 6(c).—In the U.P. Motor Vehicles Rules, 1940 (hereinafter referred to as the said rules) for sub-rule (*c*) of Rule 6 the following sub-rule shall be *substituted*, namely :—

"(*c*) The fee payable by the applicant for the test of competence to drive light vehicles and heavy vehicles shall be ten rupees and twenty rupees respectively for each test and shall be paid before the test is commenced. It shall not be refunded in any circumstances."

3 Amendment of Rule 8.—In the said Rules for sub-rule (*a*) of Rule 8 the following sub-rule shall be *substituted*, namely :—

"(*a*) An appeal under Rule 7 shall be preferred in duplicate in the form of memorandum, one copy of which shall bear the fee of fifteen rupees in non-judicial stamps, and which will not be refunded, setting forth concisely the grounds of objections to the order of the licensing authority or the Regional Transport Authority, as the case may be and shall be accompanied by a certified copy of that order."

4. Amendment of Rule 12.—In the said rules for sub-rule (*c*) of Rule 12 the following sub-rule shall be *substituted*, namely :—

"(*c*) The fee for a duplicate licence issued under this rule shall be ten rupees."

5. Amendment to Rule 15.—In the said rules for sub-rules (*b*), (*c*) and (*d*) of Rule 15 the following sub-rules shall be *substituted*, namely :—

"(*b*) An application for a learner's licence shall be made to the licensing authority having jurisdiction in the area in which the applicant ordinarily resides in Form L.Lr.A. and shall be accompanied by a fee of ten rupees.

(*c*) A learner's licence shall be valid for a period of three months and may be renewed for further periods of three months on payment of a fee of ten rupees for each such renewal.

(*d*) If at any time a learner's licence is lost or destroyed, the holder shall intimate the fact to the licensing authority by which the licence was granted. On receipt of the intimation, the licensing authority shall proceed as if the learner's licence were a driving licence, provided that the fee for a duplicate licence shall be ten rupees."

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6. Amendment of Rule 18-A.—In the said rules for sub-rule (I) of Rule 18-A the following sub-rule shall be *substituted*, namely :—

"(I) No person shall engage in the business of giving instruction for hire or reward in the driving of Motor Vehicles, nor shall any person advertise or otherwise publicly undertake to give such instructions without the approval of the licensing authority of the area in which he has place of business granted in Form MS and constituting the said person as School of motoring. The application fee for the registration of a motor driving school shall be seven hundred and fifty rupees. A Motor driving school shall be registered for a period of five years and thereafter the school shall get the registration renewed for the period of every five years. The renewal fee shall be four hundred rupees."

7. Amendment of Rule 18-B.—In the said rules for sub-rule (2) of Rule 18-B the following sub-rule shall be *substituted*, namely :—

"(2) Any person aggrieved by any such order may, within thirty days of the date of its receipt, appeal to the transport Commissioner or any officer nominated by Transport Commissioner but not below the rank of Deputy Transport Commissioner on the payment of the fee of one hundred rupees."

8. Amendment of Rule 28.—In the said rules, for sub-rule (*h*) of Rule 28 the following sub-rule shall be *substituted*, namely :—

"(*h*)(1) The fee for the grant of a certificate of fitness and inspection of a transport vehicle other than a tractor, trailer used solely for the agricultural purpose shall be—

(*a*) for a period not exceeding one year.	Rs. 75
(*b*) for a period exceeding one year but not exceeding two years.	Rs. 150

The fee shall be paid in advance by the owner of the vehicle :

Provided that no such fee shall be charged in the case of vehicles owned and exclusively used by or on behalf of any department of the State Government.

(2) The fee for the renewal of a certificate of fitness and inspection of a transport vehicle other than a tractor-trailer used solely for the agricultural purposes shall be—

(*a*) for a period not exceeding one year	Rs. 75
(*b*) for a period exceeding one year but not exceeding two years	Rs. 150

The fee shall be paid in advance by the owner of the vehicle :

Provided that no such fee shall be charged in the case of vehicles owned and exclusively used by or on behalf of any department of the State Government."

9. Amendment of Rule 31.—In the said rules for Rule 31 the following rule shall be *substituted*, namely :—

"31. (*a*) The fee for the registration of a Motor Vehicle shall be—

(*i*) In respect of an invalid carriage	Twenty-five rupees.

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(*ii*)	in respect of a motor cycle, medium goods vehicle, medium passenger motor vehicle	Twenty-five rupees.
(*iii*)	in respect of a transport vehicle, other than a tractor used solely for agricultural purposes the registered Laden Weight of which exceed 6,577 pounds avoirdupois)	One hundred and Fifty rupees.
(*iv*)	in respect of any other vehicle	Seventy-five Rupees.
(*v*)	in respect of the temporary registration of any vehicle	Rs. Ten
(*vi*)	in respect of a duplicate certificate of registration	Rs. Twenty-five

(*b*) The fee for registration of transfer of ownership under Section 31 of the Act shall be—

(*i*)	in respect of motor-cycles, scooters and invalid carriages.	Rs. Twenty-five
(*ii*)	in respect of motor-cars and other light vehicles.	Rs. Fifty
(*iii*)	in respect of transport vehicles.	Rs. One hundred

(*c*) There shall be no fee for obtaining a duplicate certificate of registration for the vehicles used for agricultural purpose, for the assignment of a new registration mark under Section 29 of the Act and for recording the change of address of the owner under Section 30 of the Act, or for recording an alteration to the motor vehicle under Section 32 of the Act."

10. Amendment of Rule 34.—In the said rules, for sub-rule (*e*) of Rule 34 the following sub-rule shall be *substituted*, namely :—

"(*e*) If a note in respect of an agreement of hire-purchase is to be endorsed on a certificate of registration, there shall be payable in addition to the registration fee a further fee equivalent to the fifty per cent of the registration fee. No fee shall be payable in respect of the cancellation of the note under sub-rule (*b*). There shall be payable in addition to the ordinary fee for recording transfer of ownership a further fee of Rs. 10 when the transfer is of a vehicle which is the subject of a hire-purchase agreement."

11. Amendment of Rule 39.—In the said rules, for sub-rule (*c*) of Rule 39 the following sub-rule shall be *substituted*, namely :—

"(*c*) The fee payable annually in advance in respect of trade certificate shall be as follows :—

(1)	in case of any heavy or medium motor vehicle—	
	For first five or less number of vehicles.	Rs. 500
	For each additional vehicle after five vehicles	Rs. 100
(2)	In case of light motor vehicles—	
	For first five or less number of vehicles	Rs. 250
	For each additional vehicle after five vehicles	Rs. 50

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(3) In case of motor-cycles and scooters—

For first five or less number of motor-cycles and scooters	Rs. 75
For each additional motor-cycle and scooter after five-motor cycles or scooters	Rs. 15''

12. Amendment of Rule 39-A.—In the said rules, for Rule 39-A the following rule shall be *substituted*, namely :—

"39-A. *Trade Certificate*—Charge for a duplicate copy of—The charge for a duplicate copy of each part of a trade certificate shall be Rs. 20 and a total of Rs. 100 for all parts of such a certificate."

13. Amendment of Rule 55.—In the said rules, for Rule 55, the following rule shall be *substituted*, namely :—

"55. *Permit fees*—(*a*) The fees in respect of the grant, renewal and countersigning of a permit other than a temporary permit shall be—

(*i*) For a stage carriage, contract carriage and private stage carriage.	Rs. 250
(*ii*) For public/private carrier	Rs. 250
(*iii*) For service of stage carriage—	
(*a*) upto two carriages	Rs. 500
(*b*) for every additional carriage.	Rs. 100
(*iv*) For cars, autorickshaws and tempos in regular use—	Rs.
(*a*) for one region	150
(*b*) for every additional region	25

Notes.—(1) Auto-Rickshaw means a vehicle having two seats or three excluding the driver.

(2) Tempo means a vehicle three wheeled and six seated excluding the driver.

Fee in respect of grant, renewal and countersigning of a temporary permits.

	Rs.
(*i*) For the first three days	50
(*ii*) After three days for additional period up to a week	50
(*iii*) For every additional week after the First Week or part thereof	50''

14. Amendment of Rule 63.—In the said rules, for sub-rule (*a*) of Rule 63 the following sub-rule shall be *substituted*, namely :—

"63. *Permits—Replacement of particular vehicle authorised by.*—(*a*) If the holder of a permit relating to a particular vehicle by specification of the registration mark desires at any time to replace the vehicle with another he shall forward Part A of the permit and apply in writing along with an application fee of seventy-five rupees to the Transport Authority by which the permit was issued stating the reasons why the replacement is desired and shall—

(*i*) If the new Vehicle is in his possession forward the certificate of registration thereof, or

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(*ii*) If the new vehicle is not in his possession, state any material particular in respect of which the new vehicle will differ from the old."

15. Amendment of Rule 67.—In the said rules, for clause (*i*) of sub-rule (*e*) of Rule 67 the following clauses shall he *substituted*, namely :—

"(8) If the Regional Transport Authority is satisfied that the transfer of a permit may properly be made, it shall call upon the holder of the permit in writing to surrender Parts A and B of the permit within seven days of the receipt of the order and shall likewise call upon the person to whom the permit is to be transferred to deposit the following fee :

(*a*) in the case of stage carriage permit	Rs. 1,000
(*b*) in the case of a contract carriage permit excepting motor cab.	Rs. 1,000
(*c*) in the case of public carrier permit	Rs. 500
(*d*) in the case of motor cab	Rs. 200

Provided that the Fee shall be 50 per cent of the above if the transfer of the permit is made in the name of the legal heirs of the permit holder on his death."

16. Amendment of Rule 68.—In the said rules, for sub-rule (*e*) of Rule 68 the following sub-rule shall be *substituted*, namely :—

"(*e*) The fee for the issue of a duplicate permit shall be fifty rupees for Part A, twenty-five rupees for each copy of Part B and twenty-five rupees for each copy for a temporary permit :

Provided that this fee shall not be chargeable in the case of a duplicate permit issued in pursuance of clause (*d*) of this rule if the original permit was issued more than five years previously."

17. Amendment of Rule 71.—In the said rules for sub-rule (4) of Rule 71 the following sub-rule shall be *substituted*, namely :—

"71. (4) Upon receipt of an appeal in accordance with sub-rules (1), (2) and (3) the Tribunal may fix a date within the office hours, for hearing of the appeal giving the Transport Authority concerned, other respondents if any, and the appellant not less than thirty days notice and shall in that case order the appellant to deposit the following fee in a Government Treasury through Treasury Challan under the Head "XI Tax on Motor Vehicle—Receipts under the Indian Motor Vehicles Act" and submit its receipt to the Tribunal.

(*i*) In respect of auto-rickshaw or taxi permit	Rs. 100
(*ii*) In respect of Transport vehicle	Rs. 200
(*iii*) A process fee of Rs. 4 for each of the respondents arrayed in the memorandum of appeal."	

18. Amendment of Rule 83.—In the said rules, for sub-rule (I) of Rule 83 the following sub-rule shall be *substituted*, namely :—

"83. (*i*) If at any time a conductor's licence is lost or destroyed or becomes illegible or the photograph attached thereto ceases, in the opinion of the authority by which the licence was granted to be a

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reasonable likeness of the holder, that authority shall proceed as if the conductor's licence were a driving licence, save that the fee shall be Rs. 5.00 for the duplicate copy of a conductor's licence."

19. Amendment of Rule 84.—In the said rules, for sub-rule (*c*) of Rule 84 the following sub-rule shall be *substituted*, namely :—

"(*c*) The fee for the issue of a badge as aforesaid shall be ten rupees. If the badge is lost or destroyed a duplicate badge shall be issued by the authority by which it was issued on payment of five rupees. And upon the return to the issuing authority of a badge or of a duplicate badge the driver shall be entitled to a refund of five rupees."

20. Amendment of Rule 85.—In the said rules for sub-rule (*c*) of Rule 85 the following sub-rule shall be *substituted*, namely :—

"85. (*c*) The fee for the issue of a conductor's badge as aforesaid shall be ten rupees. If the badge is lost or destroyed a duplicate badge shall be issued by the authority which issued it, on payment of five rupees. And upon return to the issuing authority of a badge or of a duplicate badge the conductor shall be entitled to a refund of five rupees."

21. Amendment of Rule 97.—In the said rules, for sub-rule (*a*) of Rule 97 the following sub-rule shall be *substituted*, namely :—

"(*a*) In addition to the requirements of Section 32 of the Act, the owner of a transport vehicle or if the owner is not the holder of the permit the holder of the permit shall at the same time as the report required by that section is made to the registering authority, forward a copy thereof along with a fee of rupees fifty to the Transport Authority by which the permit relating to the vehicle was granted, or in the case of a permit relating to a service of stage carriages, to the Transport Authority by which the permit was granted under which the vehicle is being used."

22. Amendment of Rule 205-B.—In the aforesaid rules, for sub-rule (3) of Rule 205-B the following sub-rule shall be *substituted*, namely :—

"(3) The fee chargeable for such checking of a design shall be rupees 750 which shall be paid in cash with the application and shall not be refundable."

[123] English translation of Parivahan Anubhag-4, Noti. No. 1421-T/XXX-4—87-9-P-72, dated April 3, 1987, published in the U.P. Gazette, Extra., Part, 4, Section (ka), dated 4th April, 1988, p. 2

In exercise of the powers under sub-section (1) of the Section 43-A of the **Motor Vehicles Act**, [illegible] Act No. IV of 1939) as amended in its application to Uttar Prades' [illegible] Section 21 of the General Clauses Act, 1897 (Act No. X [illegible] overnor is pleased to rescind in the public interest, the Gove [illegible] ns No. (1) 906-T/XXX-4—9-P-72, dated March 12, 1 [illegible]-4—45-KM-79, dated March 12, 1984 (3) 910-T/XXX-4- [illegible] March 12, 1984 and (4) 912-T/XXX-4—9-P-72, dated [illegible] th immediate effect.

2. Under sub [illegible] the said Act No. IV of 1939, the Govern [illegible] public interest that :—

(*i*) The [illegible] he Regional Transport

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Authorities may not renew contract carriage (Motor Cab) permits granted to Station Wagons or Utility cars of Matador types of vehicles, Mahindra FJ 460 D or FJ 460 DP types of vehicles, Standard-20 Diesel 260-D Station Wagon type of vehicles, Hindustan Trakker and Diesel Jeep type of vehicles and the like in which the seating capacity exceeds six excluding driver, on the expiry of the existing period of the permits.

(*ii*) The State Transport Authority and the Regional Transport Authorities may grant stage carraige permits or contract carriage permits to the aforesaid vehicles or to any other similar vehicle for which fresh permit is being sought on particular routes out of the routes other than the routes notified under Section 68-D(3) of the said Act No. IV of 1939, subject to the condition that the permits so granted shall provide for seating capacity of the vehicles in accordance with the specifications of the manufacturers.

[124] **English translation of Harijan Evam Samaj Kalyan Anubhag-2, Noti. No. 76-M/XXVI-2—87-27(P)-87, dated February 26, 1988, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 29th February, 1988, p. 2**

In exercise of the powers under sub-section (1) of Section 4 of the **Juvenile Justice Act, 1986** (Act No. 53 of 1986), the Governor is pleased to constitute for the district mentioned in column II of the schedule below a Juvenile Welfare Board consisting of the chairman and members thereof, mentioned against them in column III and column IV respectively for the purposes of the said Act.

SCHEDULE

Serial No.	District	Chairman of the Juvenile Welfare Board	Members of the Juvenile Welfare Board
1	2	3	4
1	Saharanpur	Chaudhary Hukum Singh, Advocate, Ex-Chairman, Zila Parishad.	1. Dr. A.K. Mittal, physician and surgeon, Mittal Clinic, Delhi Road, Saharanpur. 2. Smt. Chandra Kanta Dutta, Adarsh Nagar, Saharanpur.

[125] **English translation of Avas Anubhag-3, Noti. No. 1564(6)/XXXVII-3—87-3-R.A.-86, dated July 13, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 13th July, 1987, p. 2**

In exercise of the powers under clause (*g*) of Section 2 of the **Uttar Pradesh (Regulation of Building Operations) Act, 1958** (U.P. Act No. XXXIV of 1958) read with Section 21 of the Uttar Pradesh General Clauses Act, 1904 (U.P. Act No. I of 1904) and in supersession of Government notification No. 1982(6)/XXXVII-3—86-3-R.A.-86, dated August 31, 1986, the Governor is pleased to appoint with effect from the date of publication of this notification in the Gazette, the Sub-Divisional Magistrate, Maunath Bhanjan as the 'Prescribed Authority' in respect of Regulated Area Maunath Bhanjan declared as such under Government notification No. 1982/XXXVII-3—86-3-R.A.-86, dated August 31, 1986, published in 1987 LLT-V-12 [12].

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[126] English translation of Shram Anubhag-3, Noti. No. 2702/XXXVI-3—26(M.W.)-84, dated January 18, 1986, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 18th January, 1986, pp. 3-4

In exercise of the powers under clause (*a*) of sub-section (1) and clause (*c*) of sub-section (2) of Section 3 read with clauses (*i*) and (*ii*) of sub-section (1) of Section 4 of the **Minimum Wages Act, 1948** (Act No. 11 of 1948) and after consulting the Advisory Board, the Governor is pleased to fix the minimum rates of wages for employees employed in the employment in clubs in Uttar Pradesh with effect from the date of publication of this notification in the Gazette as follows, after previous publication of the proposals with Government notification No. 4218/XXXVI-3—26 (M.W.)-84, dated January 11, 1985.

Minimum Rates of wages in respect of employees employed in employment in Clubs in Uttar Pradesh.

1. Minimum rates of wages payable to adult employees :—

Serial No.	Class of workman	Rates of minimum Wages	Annual increment
			Rs
1	Unskilled ..	Rs. 299.00 per month or Rs. 11.50 per day. ..	5.00
2	Semi-skilled ..	Rs. 351.00 per month or Rs. 13.50 per day. ..	8.00
3	Skilled ..	Rs. 403.00 per month or Rs. 15.50 per day. ..	10.00
4	*Clerks*—		
	Grade-I ..	Rs. 490.00 per month ..	17.00
	Grade-II ..	Rs. 425.00 per month ..	12.00

NOTE.—Classification of above mentioned employees is shown in the Appendix.

Special Allowance—For rise in the Cost of Living Index over or fall from 400 points of 510 points All-India Working Class Consumer Cost of Living Index Series (1960=100), cost of living allowance at the rate of 50 paise per point and on increase over 510 points at the rate of rupee one per point per mensem shall be payable, provided that the adjustment in the cost of living allowance will be made in February and August each year on the basis of the average of the cost of Living Index for July to December of the preceding year and January to June of the years in question respectively.

3. If an employee is in receipt of supplies of essential commodities at concessional rates, adjustments towards minimum wages would be made to the extent mutually agreed in writing between the employers and the employees concerned.

4. The daily rate of wages shall not be less than 1/26th of the monthly rate.

5. The hourly rate shall not be less than 1/6th of the daily rate.

6. The time rate wages payable to adolescent and children shall not be less than 3/4th and 2/3rd respectively of the time rate applicable to an adult employee.

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7. The employees, whose hours of work including interval for rest are less than six hours a day or thirty-six hours a week, will be treated as part-time employees and their hourly rate shall not be less than one-sixth of the corresponding daily rate.

8. The above rates of wages shall not in any way operate to the prejudice of any employee. If the rates of wages prevailing before coming into force of these rates are higher than the wages payable according to the above rates, the same shall be continued and paid as if they have been so fixed under the said Act as minimum rates of wages and in no case the same shall be reduced by any employer.

9. Where any class of work is performed on piece work basis the time-rate prescribed for the particular kind of work shall be the guaranteed time-rate.

10. The time-rate of minimum wages given above includes remuneration in respect of the day of rest as contemplated under clause (*b*) of sub-section (1) of Section 13 of the Minimum Wages Act, 1948.

APPENDIX

Employment in Clubs

1. *Clerical Staff*—(*a*) *Category I*—Head Clerk, Senior Clerk, Head Accountant, Head Store Keeper, Head Munim, Senior Accountant, Stenographer, Steward and any other employee doing similar nature of work by whatever name called.

(*b*) *Catgory II*—Assistant Accountant, Junior Accountant, Clerk, Counter Clerk, Typist, Receptionist, Bill Man, Telephone Operator, Accountant, Kharaddar and any other employee doing similar nature of work by whatever name called.

2. *Skilled*—Head cook, Head bearer, Head waiter, Butler, Electrician, Carpenter, Chief Instructor of Swimming pool, Head Barman, House Keeper and any other employee doing similar nature of work by whatever name called.

3. *Semi-skilled*—Cook, Tanduria, Confectioner, Halwai, Bakery man, Order Supplier, Seek Kabab man, Bhelpuri man, Bearer, Car driver, Lift-man, Assistant Steward, Assistant Electrician, Instructor of Swimming pool, Barman, Samosawala, Rotiwala, Chapati wala, Puriwala, Dosaman, Bhajiwala, Icecream man, Pantry man, Tea/Coffee man, Market man, Falooda maker, Sharbatwala, Lassiwala, other Waiters, Gardeners, Wire-man, Billiard Marker and any other employee doing similar nature of work by whatever name called.

Unskilled—Peon, Security Guard, Darban, Game Boy, Room Boy, Tea Boy, Glass Boy, Dish Boy, Water Boy, Order Boy, Kitchen Boy, Office Boy, Mashalchi, Gate man, Sweeper, Pantry Assistant, Laundry man, Tennis Boy, Cleaner, Kahar, Helper, Mazdoor and any other employees doing similar nature of work by whatever name called.

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[127] **English translation of Vitta (Bikri Kar) Anubhag-3, Noti. No. S.T.-3 —3660/X—87-1-75, dated February 6, 1988, published in the U.P. Gazette, Extra., Part-4, Section (ka), dated 6th February, 1988, pp. 4-6** [L]

In exercise of the powers conferred by the proviso to Article 309 of the **Constitution,** the Governor is pleased to make the following rules with a view to amending the Uttar Pradesh Sales Tax Officers (Grade-II) Service Rules, 1983.

1. **Short title and commencement.**—(1) These rules may be called the **Uttar Pradesh Sales Tax Officers (Grade-II) Service (Second Amendment) Rules, 1988.**

(2) They shall come into force at once.

2. **Substitution of Rule 5.**—For Rule 5 of the Uttar Pradesh Sales Tax Officers (Grade-II) Service Rules, 1983, hereinafter referred to as the said rules, the following rule shall be *substituted*, namely :—

"5(1) Recruitment to the post of Sales Tax Officer (Grade-II) shall be made from the following sources—

(*i*) By direct recruitment through the Commission ;

(*ii*) By promotion, through the Commission, from amongst such departmental candidates mentioned in sub-rule (3) as have put at least 7 years service in the department.

(2) Recruitment from the two sources, mentioned in sub-rule (1) above, shall be so arranged that, as far as may be, 75 per cent of the posts in the cadre of Sales Tax Officer Grade-II are held by the directly recruited persons and 25 per cent by the promotees.

(3) In the promotion, quota of 25 per cent, mentioned in sub-rule (2) above, recruitment from amongst the employees under the administrative control of Commissioner, Sales Tax, U.P. shall be so arranged that, as far as may be :—

(*a*) 21 per cent posts in the cadre are held by promotees from amongst such Office Superintendent Grade-II/Chief Clerks in the scale of Rs. 570—1100 as have put in at least two years service on such post and are permanent on the post of Office Superintendent Grade-II/Chief Clerks or any other lower post :

Provided that, if in any year eligible Chief Clerks/Office Superintendent are not available in requisite number the field of eligibility may be extended to include, in order of seniority, such number of Senior Assistant in the pay scale of Rs. 515—860 as have put in at least three year service as such and as are permanent on the post of Senior Assistant or any other lower post, as may be necessary to make up the requisite number in accordance with Rule 8 of the Uttar Pradesh promotion by Selection in Consultation with Public Service Commission (Procedure) Rules, 1970, as amended from time to time.

(*b*) One per cent posts in the cadre are held by promotees from amongst such Statistical Assistants in the scale of Rs. 570—1100 as have put in at least two years service on such post and are permament on the post of Statistical Assistant or any other lower post :

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Provided that, if in any year eligible Statistical Assistants are not available in requisite number the field of eligibility may be extended to include in order of seniority such number of Computer/Compiler in the scale of Rs. 470—735 as have put in at least three years service as such and who are permanent on the post of Computer/Compiler or any other lower post, as may be necessary to make up the requisite number in accordance with Rule 8 of the Uttar Pradesh Promotion by Selection in Consulation with Public Service Commission (Procedure) Rules, 1970, as amended from time to time.

(*c*) 3 per cent posts in the cadre are held by promotees from amongst such Stenographers in the scale of Rs. 570—1100 as have put in at least two years service on such post and are permanent on the post of Stenographer or any other lower post :

Provided that, if in any year eligible Stenographers in the pay scale of Rs. 570—1100 are not available in the requisite number the field of eligibility may be extended to include in order of seniority such number of Stenographers in the pay scale of Rs. 515—860, who have put in at least three years service as such, and who are permanent on the post of Stenographer or any other lower post, as may be necessary to make up the requisite number in accordance with Rule 8 of the Uttar Pradesh Promotion by Selection in Consultation with Public Service Commission (Procedure) Rules, 1970, as amended from time to time.

Illustrations (*i*)—Suppose the cadre comprises 616 posts, the number of posts to be filled by promotion shall be 154 (25 per cent). The quota of three sources (*a*), (*b*) and (*c*), on the basis of their respective percentage of 21 per cent, 1 per cent and 3 per cent, shall be 130, 6 and 18 respectively. If at any time 100 posts are already filled with incumbents of sources (*a*), (*b*) and (*c*) holding 84, 4 and 12 posts respectively and 54 posts are to be filled in, the allotment of vacancies to the three sources shall be 46, 2 and 6 respectively.

(*ii*) If in illustration (*i*), the number of the posts already filled in by the incumbents of the three sources are 90, 0 and 10 respectively, the allotment of 54 vacancies shall be 40, 6 and 8 respectively.

(4) For the purpose of selection separate eligibility lists shall be prepared in each of the categories (*a*), (*b*) and (*c*) mentioned in sub-rule (3) by arranging names of persons in higher grade followed by the names of persons in the next lower grade in the order of seniority :

Provided that if two or more persons are in identical scales of pay, their names in the eligibility list shall be arranged on the basis of the date of their substantive appointment and if the date of substantive appointment is the same, their names shall be arranged on the basis of their length of service."

3. **Amentment of Rule 15**.—In Rule 15 of the said rules, for sub-rule (1) thereof the following sub-rule shall be *substituted* :—

"Application for permission to appear in the competitive examination for direct recruitment shall be called by the commission in the prescribed form in the manner decided by them."

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4. Amendment of Appendix "A".—In the Appendix 'A' to the said rules :—

(*i*) For the entries at serial 1, 2, 3 and 4 under the heading "Section—A—Compulsory", the following entries shall be *substituted* namely :—

"1.	General Hindi	—100
2.	Hindi Essay	—100
3.	General Knowledge including Simple Science	—100
4.	Arithmetic	—100
5.	Book Keeping and Accountancy	—100"

(*ii*) For the figure "100" occurring against the words "Personality Test (Viva Voce)" under the heading " Section—C" the figure "75" shall be *substituted*.

(*iii*) For the entry at serial 4 under the heading "Syllabus" the following entry shall be *substituted*, namely :—

"4. Book Keeping and Accountancy. The paper will be of the standard as prescribed for the Intermediate examination of the U.P. Board of High School and Intermediate Education."

[128] **English translation of Vitta (Samanya) Anubhag-2, Noti. No. G.2—186/X-534(18)-83, dated February 19, 1986, published in the U.P, Gazette, Extra., Part-4, Section (kha), dated 19th February, 1986, pp. 3-4** [A]

In exercise of the powers conferred by the proviso to Article 309 of the **Constitution**, the Governor is pleased to make the following rules with a view to amending the Fundamental Rules contained in the Financial Handbook, Volume II, Part II.

1. Short title and commencement.—(*i*) These Rules may be called the Uttar Pradesh Fundamental (First Amendment) Rules, 1986.

(*ii*) They shall come into force with effect from the date of their publication in the Gazette.

2. Amendment of Fundamental Rules 54(4) and 54-A(2)(i).—In the Uttar Pradesh Fundamental Rules contained in the Financial Handbook, Volume II, Part II for Rules 54(4) and 54-A(2)(*i*) the following rules shall be *substituted* :

"54(4)—In cases other than those covered by sub-rule (2) [including cases where the order of dismissal, removal or compulsory retirement from service is set aside by the appellate or reviewing authority solely on the ground of non-compliance with the requirements of clause (1) or clause (2) of Article 311 of the Constitution and no further inquiry is proposed to be held], the Government servant shall, subject to the provisions of sub-rule (6) and (7), be paid such amount (not being the whole) of the pay and allowances to which he would have been entitled had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be, as the competent authority may determine, after giving notice to the Government servant of the quantum proposed and after considering the representation, if any, submitted by him in that connection, within such period (which in no case shall exceed sixty days from the date on which the notice has been served) as may be specified in the notice.

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54-A(2)(*i*)—Where the dismissal, removal or compulsory retirement of a Government servant is set aside by the court solely on the ground of non-compliance with the requirements of clause (1) or clause (2) of Article 311 of the Constitution, and where he is not exonerated on merits, and no further inquiry is proposed to be held, the Government servant shall, subject to the provisions of sub-rule (7) of Rule 54, be paid such amount (not being the whole) of the pay and allowances to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be, as the competent authority may determine, after giving notice to the Government servant of the quantum proposed and after considering the representation, if any, submitted by him in that connection within such period (which in no case shall exceed sixty days from the date on which the notice has been served) as may be specified in the notice."

[129] **English translation of Krishi Anubhag-4, Noti. No. 6516/XII-4—211-87, dated December 22, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 24th December, 1987, pp. 3-5**

Whereas, the State Government is of opinion that for the promotion and protection of fruit trees and their produce in the area specified in Schedule 'A' comprising the villages mentioned in Schedule 'B' below in district Allahabad, it is necessary and expedient in the public interest to regulate and restrict running of harmful establishments and carrying on of housing schemes therein and in its vicinity;

And, whereas, with a view to inviting objections and suggestions as required under sub-section (2) of Section 3 of the **Uttar Pradesh Promotion and Protection of Fruit Trees (Regulation of Harmful Establishments and Housing Schemes) Act, 1985** (U.P. Act No. 18 of 1985), the intention of the State Government to declare the aforesaid area to be the fruit belt was notified in Government notification No. 2284/XII-4—211-81, dated June 27, 1987 published in the Uttar Pradesh Gazette, dated June 27, 1987 and in two daily newspapers having circulation in the locality of the aforesaid area namely "Swatantra Bharat" and "Pioneer" on July 1, 1987 and July 1, 1987, respectively;

And, whereas, no objections or suggestions have been received within the specified period;

Now, therefore, in exercise of the powers under sub-section (1) of Section 3 of the aforesaid Act the Governor is pleased to declare the said area to be the fruit belt with effect from the date of publication of this notification in the Gazette.

SCHEDULE "A"

Area of the fruit belt falling in the portions of Nagar Mahapalika, Allahabad, Muratganj Development Block and Chail Development Block in district Allahabad bounded as below :—

North: Villages Umarpurneewan Kachhar, Gayasuddinpur Kachhar, Rasulpur, Kashimpur Kachhar, Bamrauli, Hatwa Kachhar, Ujehani Patti, Kashipur Kachhar, Husenpur Uparhar, Husenpur Kachhar, Ujehni Sima, Ujehni Khalsa and Junetpur.

West: Villages Chauwara, Malak Mohiuddenpur, Hafizpur, Charwa Hardua and Kotiya.

South: Villages Jalalpur, Gariur, Chauradeeh, Katara, Paryawa, Dariyapur, Mitwapur, Lalpur, Muradpur, Sekhpur Kanseda, Akbarpur, Kadlapur, Abdul Buhalpur, Sekhpur, Sharwa, Rasulpur, Saraibegum, Saraineem, Chak Mada Patti, Manpara, Padmanpura, Chak Badanpur, Jairampur, Subedarganj and Railway Line.

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East: Allahabad Cantonment.

SCHEDULE "B"

VILLAGES—SITUATE WITHIN THE FRUIT BELT AREA SPECIFIED IN SCHEDULE "A" IN DISTRICT ALLAHABAD

Sl. No.	Name of the village	Name of Nagar Mahapalika or the Development Block in which the village is situated
1	2	3
1.	Sarai Sulem	Nagar Mahapalika Allahabad
2.	Umarpur Neewan	,,
3.	Harwara	,,
4.	Gusaipur Saiyed Sarawan	Muratganj Development Block
5.	Saiyed Sarawan	,,
6.	Muhiuddinpur Saiyed Sarawana	,,
7.	Gayasuddinpur	Chail Development Block
8.	Rasulpur Kashipur	,,
9.	Bamrauli Uparhar	,,
10.	Ibrahimpur Bamrauli	,,
11.	Ahmadpur Asrauli Uparhar	,,
12.	Mohammadpur Asrauli	,,
13.	Gopalpur Tikari	,,
14.	Hatawa Uparhar	,,
15.	Meerapur	,,
16.	Vihka *urf* Puramufti	,,
17.	Rasulpur *urf* Koilha	,,
18.	Balipur Tata	,,
19.	Chaik Badshahpur	,,
20.	Dalyanpur	,,
21.	Mohiuddinpur	,,
22.	Mahamoodpur	,,
23.	Ratgaha	,,
24.	Shekhpur Rasuli	,,
25.	Paharpur Sudhwar	,,
26.	Kamalpur Jalalpursana	,,
27.	Faridpur Sulem	,,
28.	Chalauli	,,
29.	Singhpur	,,
30.	Giria Khalsa	,,
31.	Chak Giria	,,
32.	Chail Khas	,,
33.	Sultanpur	,,
34.	Kundanpur	,,
35.	Tiwara	,,
36.	Medwara	,,
37.	Ahmadpur Puraini	,,
38.	Nizampur Puraini	,,
39.	Mardanpur	,,
40.	Chilla Sahvazi	,,
41.	Matpur	,,
42.	Mahmudpur Matpur	,,
43.	Manaury	,,

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1	2	3
44.	Akbarpur Sallahpur	Chail Development Block
45.	Ismailpur Kotawa	,,
46.	Mohiuddinpur Bharetha	,,
47.	Manderdeh Maphy	,,
48.	Ahmadpur Pawan	,,
49.	Kusuwan	,,
50.	Janka	,,
51.	Keshwapur	,,
52.	Pirpur	,,
53.	Mandarix	,,
54.	Begampur	,,
55.	Kashimpur Chhabilepur	,,
56.	Ashrafpur	,,
57.	Chak Pyagpur	,,
58.	Harirampur	,,
59.	Rasulpur	,,

[130] **English Translation of Abkari Anubhag-2, Noti. No. 1090-E-2/XIII-283-86(T.C.), dated March 28, 1988, published in the U.P. Gazette, Extra., Part-4, Section (ka), dated 28th March, 1988, pp. 2-3**

In exercise of the powers under sub-sections (1), (2) and (4) of Section 17 of the **U.P. Sales of (Motor Spirit, Diesel Oil and Alcohol) Taxation Act, 1939** (U.P. Act No. 1 of 1939), read with Section 21 of the Uttar Pradesh General Clauses Act, 1904 (U.P. Act No. 1 of 1904) the Governor is pleased to make the following Rules with a view to amending the Uttar Pradesh, Sales or Purchase of Motor Spirit, Diesel Oil and Alcohol Taxation Rules, 1977 published with Notification No. 579-E-XIII-514—74, dated Lucknow January 24, 1977 :—

1. Short title and commencement.—(*i*) These Rules may be called the **Uttar Pradesh Sales or Purchase of Motor Spirit, Diesel Oil and Alcohol Taxation (First Amendment) Rules, 1988.**

(*ii*) They shall come into force with effect from April 1, 1988.

2. Amendment of Rule 15.—In the Uttar Pradesh Sales or Purchase of Motor Spirit, Diesel Oil and Alcohol Taxation Rules, 1977, in Rule 15, in sub-rule (3), for clause (*b*), the following clause shall be *substituted*—

"(*b*) (*i*) The tax on the purchase of alcohol shall be payable by the purchaser or the seller on his behalf at the rate of 40 paise per litre in a Treasury or sub-treasury of the district in which purchase is made unless the purchaser has obtained a certificate from the authority alloting the alcohol to the effect that the purchaser has purchased one million litres of alcohol in which case the tax shall be payable at the rate of 20 paise per litre for the quantity beyond one million litres.

(*ii*) No sale or purchase of alcohol shall be allowed unless the tax on its purchase has been deposited in the manner prescribed in sub-clause (*i*) (supra).

(*iii*) The certificate mentioned in sub-clause (*i*) (supra) shall be issued by the authority alloting the alcohol on furnishing by the purchaser satisfactory proof of payment of tax at the rate of 40 paise per litre on a total quantity of not less than one million litres of alcohol :

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Provided that in the case of alcohol based units holding F.L. 39 licence, the tax on the purchase of alcohol shall be payable by the purchaser or the seller on his behalf at the rate of five paise per litre only in a treasury or sub-treasury of the district in which the purchase is made."

[131] English translation of Nagar Vikas Anubhag-5, Noti. No. 943/XI-5—88-99DA-78, dated February 26, 1988, published in the U.P. Gazette, Part-4, Section (kha), dated 26th February, 1988, pp. 2-3

In partial modification of Government Notification No. 4490/XI-5—85-99DA-78, dated November 2, 1985, published in Vidhayee Parishistha Volume 4, Khand 'Kha', and in exercise of the powers under Section 3 of the **Uttar Pradesh Special Area Development Authorities Act, 1986** (U.P. Act No. 9 of 1986), the Governor is pleased to declare, with effect from the date of the publication of this notification in the Gazette, the following areas to be a special development area for the purpose of this Act :

Ayodhya Special Development Area

The existing area of Nagarpalika Ayodhya and that of the following adjoining 17 villages excluding Cantonment area and lands owned, requisitioned or taken on lease by the Central Government for the purpose of any Naval, Military or Air Force authority :—

Sl. No.	No. according to Master Plan	Name of the village
1.	49	Ranopale
2.	50	Sahnawa
3.	51	Ashapur
4.	52	Malkhapur
5.	53	Haibatpur
6.	54	Jianpur
7.	55	Bag Bizaisi
8.	56	Kazipur-Chitawan
9.	57	Pathakpur
10.	58	Takpura
11.	59	Kurha-Keshawapur
12.	60	Mohtarim Nagar
13.	61	Shahenawajpur-Manzha
14.	62	Shahenawajpur-Uparhar
15.	63	Asaf Bag-Manzha
16.	64	Basupur Jaisinghpur
17.	65	Barham Manzha

[132] English translation of Nagar Vikas Anubhag-5, Noti. No. 973/XI-5—88-303 DA-83, dated February 18, 1988, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 18th February, 1988, p. 2

Whereas, in the opinion of the State Government the following area of special importance in district Banda in Uttar Pradesh needs to be provided in a planned manner ;

Now, therefore, in exercise of the powers, under Section 3 of the **Uttar Pradesh Special Area Development Authorities Act, 1986** (U.P. Act No. 9 of 1986), the Governor is pleased to declare, with effect from the date

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of the publication of this notification in the Gazette, the following areas to be a special development area for the purpose of the Act.

Chitrakoot Special Development Area

Area falling within the limits of Chitrakoot Nagar Palika area and area of following 10 adjacent villages are included, but excluding Cantonment Area and lands owned, requisitioned or taken on lease by the Central Government for the purpose of any Naval, Army or Air Force authority :

Sl. No.	Name of Villages
1.	Sitapur Maafi
2.	Sangrampur
3.	Khohi
4.	Chak Bhoopat
5.	Bandar Kole
6.	Lohasar Chak
7.	Chitra Gokulpur
8.	Ranipur Bhatt
9.	Ahmad Ganj
10.	Dilaora

[133] **English Translation of Nagar Vikas Anubhag-7, Noti. No. 367(1) A/XI. 7-87-1-k (21)-86, dated March 28, 1987, published in U.P. Gazette, Extra., Part-4, Section (kha), dated 1st April, 1987, pp. 3-4**

The following bye-laws for regulation of cattle traffic on streets within the limits of the city of Lucknow, framed by Nagar Mahapalika, Lucknow, in exercise of the powers under clause (49) of Section 541 and clause (XXXI) of Section 114 of the **Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959** (U.P. Act No. 2 of 1959) read with Section 21 of the Uttar Pradesh General Clauses Act, 1904 (U.P. Act No. 1 of 1904) and in supersession of Notification No. 3108, dated October 2, 1974, after making compliance of the provisions of Section 543 of the said Adhiniyam, which have been confirmed by Government in G.O. No. 367-A/XI-7—87-1-K(21)-86, dated March, 1987 are hereby published as required under sub-section (3) of Section 544 of the said Adhiniyam.

1. Short title and commencement.—(1) These bye-laws may be called the **Bye-laws for the Regulation of Cattle Traffic on Streets within the limits of City of Lucknow.**

(2) They shall come into force with effect from the date of their publication in the Gazette.

2. Definitions.—In these bye-laws, unless there is anything repugnant to the subject or context,

(1) 'Act' means the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959 ;

(2) 'attendant' means a person who leads the cattle not attached to a vehicle on public streets ;

(3) 'cattle' includes bullocks, cows, he and she buffaloes, swine, pigs, donkeys, ponies, goat, sheep and their progeny ;

(4) Words and expressions used hereunder and not defined in these bye-laws shall have the meanings assigned to them in the Act.

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3. **Restriction on cattle traffic on certain streets within prescribed time.**—No person shall take out cattle or allow them to be taken out on the following places or streets except before 8 a.m. and between 1 p.m. to 3 p.m.,

(1) University Road ;
(2) Mahatma Gandhi Marg ;
(3) Vidhan Sabha Marg ;
(4) Ashok Marg ;
(5) Kaiser Bagh,
(6) Latouche Road (Gautam Buddha Marg) ;
(7) Aminabad and surrounding area of Amin-Uddaula Park ;
(8) Rani Laxmi Bai Marg ;
(9) Station Road and Kanpur Road from Charbagh to Mavaiya Bridge ;
(10) Raja Nawab Ali Road ;
(11) Moti Lal Nehru Road ;
(12) Road connecting Vidhan Bhawan and Raj Bhawan which is connecting road from Mahatma Gandhi Marg to Major Banks Road ;
(13) Tulsi Das Marg (Victoria Street), Tal Katora and Shahmina Road ;
(14) Subhash Marg (Canning Street) ;
(15) Dali Ganj Bazar (Whole area) ;
(16) Faizabad Road from Daliganj bridge to Mahanagar and Octroi Post ;
(17) Kali Das Marg ;
(18) Narhi Market ;
(19) Park Road ; and
(20) Such other streets as the Mukhya Nagar Adhikari may, from time to time, notify in the Official Gazette.

4. **Prohibition of cattle traffic on certain streets.**—No person shall at any time take out, let loose or attempt to take out or let loose cattle on the following streets :

(1) Vidhan Sabha Marg (From Hussainganj crossing to Allahabad Bank crossing) ;
(2) Cantonment Road and Havelock Road crossing (from Ghazi-Uddin Haider Canal to Mall Avenue Area) ;
(3) From Allahabad Bank crossing Hazratganj to Stadium Circle crossing on Mahatma Gandhi Marg ;
(4) Ashok Marg from Allahabad Bank, Hazratganj to Nishatganj Railway level crossing.

5. **Attendant compulsory for cattle traffic.**—No person shall take out cattle or allow them to be taken out on any street within the city of Lucknow at any time without their being attended to by one attendant for a maximum of 8 (Eight) cattle.

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6. Duty of attendant.—It shall be the duty of the attendant to keep the cattle on the left side of the street and well under control, so that they may not obstruct or dislocate traffic on the streets.

7. Prohibition on tying cattle on streets, public places or parks.—No person shall tie cattle or allow them to be tied at any time on any street or street-side or any public place, or in any garden or park.

PENALTY

In exercise of the powers under Section 550 of Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959 (U.P. Act No. II of 1959), the Nagar Mahapalika of the City of Lucknow hereby directs that whoever, commits breach of any of the provisions of these bye-laws shall be punished with fine which may extend to five hundred rupees, and in the case of continuing breach with fine which may extend to twenty rupees for every day during which the breach continues after conviction for the first breach.

[134] **English translation of Paryawaran Anubhag, Noti. No. 3833/XLV-3 (115)-Prani-85, dated December 23, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 14th January, 1988, p. 2**

In exercise of the powers under Section 31 of the **Air (Prevention and Control of Pollution) Act, 1981** (Act No. 14 of 1981) read with Section 21 of the General Clauses Act, 1897 (Act No. X of 1897) and in supersession of Government Notification No. 286/Parya-3 (115)-Prani-86, dated January 21, 1986, the Governor is pleased to appoint Special Secretary, Uttar Pradesh Shasan, Forest and Environment Department, Lucknow as the Appellate Authority for the purposes of Act No. 14 of 1981.

[135] **English translation of Krishi Anubhag-4, Noti. No. 1868/XII-4—524-87, dated March 30, 1988, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 30th March, 1988, p. 2**

In exercise of the powers under Section 29 of the **Uttar Pradesh Regulation of Cold Storages Act, 1976** (U.P. Act No. 11 of 1976), the Governor after considering the recommendations of the Cold Storages Advisory Board is pleased to fix the maximum charges, which a licensee may charge for storing potatoes in the Cold Storage including insurance charges and any other service rendered in connection therewith at Rs. 24 (Rupees Twenty four only) per quintal for the period from February 15, 1988 to November 30, 1988 or part thereof in the whole of Uttar Pradesh.

[136] **English translation of Sinchai Anubhag-2, Noti. No. 345/II-88/23-Irri-2-26-85, dated February 5, 1988, published in the U.P. Gazette, Extra., Part-4, Section (ka), dated 5th February, 1988, pp. 3-4**

In exercise of the powers conferred by the proviso to Article 309 of **the Constitution,** the Governor is pleased to make the following Rules to amend the United Provinces Service of Engineers Class-II Irrigation Branch Rules, 1936 :

1. Short title and commencement.—(*i*) These Rules may be called the **Uttar Pradesh Service of Engineers Class-II Irrigation Branch (Amendment) Rules, 1988.**

(*ii*) They shall come into force at once.

2. Amendment of Rule 5.—In the U.P. Service of Engineers Class-II, Irrigation Branch Rules, published with Notification No. 7107-I-EA, dated May 21, 1936 (hereinafter referred to as the said rules) for Rule 5,

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the following rule shall be *substituted*, namely :—

5. *Sources of Recruitment.*—Recruitment to the service shall be made by the Government :—

(*i*) by direct appointment from amongst engineer students who have passed out of the Thomason Civil Engineering College, Roorkee, and who have completed a course of training in the Irrigation Branch as engineer students, after consulting the Uttar Pradesh Public Service Commission ;

(*ii*) by direct appointment after advertisement and after consulting the Uttar Pradesh Public Service Commission ;

(*iii*) by the appointment of officers in the temporary service of the Uttar Pradesh Public Works Deptt. Irrigation Branch, after consulting the Uttar Pradesh Public Service Commission ;

(*iv*) by promotion, on the basis of merit, through the Uttar Pradesh Public Service Commission from amongst such permanent Junior Engineers and permanent Computers of the Irrigation Department as ;

(*a*) Possess bachelors degree in Engineering or an equivalent degree in Engineering from a recognised institution or are associate Members of the Institute of Engineers ; or

(*b*) are diploma holders and have put in at least 7 years service as Junior Engineers or Computers in the Irrigation Department.

3. Amendment of Rule 6.—For Rule 6 of the said rules, the following rule shall be *substituted*, namely :—

(1) Recruitment shall be so arranged that 33-1/3 per cent posts in the cadre are held by promotees from amongst the Junior Engineers and Computers and out of this promotee quota,—

(*a*) 25 per cent posts shall be filled from amongst the Junior Engineers and Computers, mentioned in Rule 5(*iv*)(*b*), and

(*b*) 8-1/3 per cent posts shall be filled from amongst the Junior Engineers and Computers, mentioned in Rule 5(*iv*)(*a*) :

Provided that if persons from any of the sources mentioned in Rule 5(*iv*)(*a*) or 5(*iv*)(*b*), are not available for appointment on the posts of their quota such posts may also be filled from the other of these sources.

(2) The division of posts to be filled from amongst the Junior Engineers and the Computers shall be in the proportion of their respective cadre strength.

4. Amendment of Rule 9.—In Rule 9 of the said rules,—

(*i*) the brackets and figure "(*i*)", and

(*ii*) sub-rule (*ii*),

shall be omitted and shall be deemed to have been omitted with effect from February 2, 1977.

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[137] **English translation of Krishi Anubhag-4, Noti. No. 896/XII-4—501-85, dated March 29, 1988, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 29th March, 1988, p. 2**

Whereas the Governor in exercise of the powers conferred by Section 29 of the **Uttar Pradesh Regulation of Cold Storages Act, 1976** (U.P. Act No. 11 of 1976) had fixed the maximum charges for storing potatoes in the Cold Storages including any other services rendered in connection therewith at Rs. 19 per quintal for the period from February 15, 1986 to November 30, 1986 or Part thereof in the whole of Uttar Pradesh under Government Notification No. 3006/XII-4—501-1985, dated May 26, 1986;

And, whereas the Honourable High Court by their order dated December 18, 1986 in civil misc. writ petition No. 10154-86-Messrs Ice and General Mills and others *Versus* State of U.P. quashed the aforementioned notification and directed the State Government to redetermine the maximum hiring charges for the aforesaid period in accordance with law;

Now, therefore, after considering the recommendations of the Cold Storage advisory board the Governor in exercise of the powers conferred under Section 29 of the aforesaid Act is pleased to redetermine and fix the maximum charges which a licensee may charge for storing potatoes in Cold Storages including any other service rendered in connection therewith at Rs. 20 (Rupees Twenty only) per quintal for the period from February 15, 1986 to November 30, 1986 in the whole of Uttar Pradesh.

[138] **English translation of Shram Anubhag-2, Noti. No. 384 (HI)/XXXVI-2—132 (HI)-87, dated January 23, 1988, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 23rd January, 1988, pp. 2-3**

Whereas the State Labour Tripartite Conference (Sugar) held at Lucknow on December 7, 1987, discussed *inter alia* the question of Dearness Allowance to the workmen employed in the Vacuum Pan Sugar Factories of the State;

And whereas the different labour unions working in the industry have been consistently pressing for the increase in wages and dearness allowance and have threatened to go on strike on this issue;

And whereas the representatives of Industry and workmen unanimously resolved in the Tripartite Conference held on December 7, 1987 to refer the matter of increase in Dearness Allowance to the arbitration of the Labour Minister, U.P., whose decision shall be final and binding on employers and workmen;

And whereas after consultation with the representatives of employers and workmen, the Labour Minister has given his decision;

And whereas in the opinion of the State Government it is necessary to enforce the decision of the Labour Minister for securing public convenience and maintenance of public order and supplies and services essential to the life of the community and for maintaining employment;

Now therefore, in exercise of the powers under clause (*b*) of Section 3 of the **Uttar Pradesh Industrial Disputes Act, 1947** (U.P. Act No. XXVIII of 1947) the Governor is pleased to make the following order and to direct with reference to Section 19 of the said Act that notice of this order shall be given by publication in the Gazette.

ORDER

1. An increase of Rs. 28 (Rupees twenty eight) per month is allowed with effect from December 1, 1987 in the Graduated Dearness Allowance to the workmen employed in the sugar industry.

2. The Variable Dearness Allowance shall be paid to the workmen at the rate of Rs. 1.65 per point per month instead of Rs. 1.35 per point above 714 point of Consumer Price Index Number.

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3. Regarding the arrears of difference of increased Variable Dearness Allowance, a lump sum of Rs. 100 will be paid to permanent workmen and Rs. 60 to seasonal workmen of the sugar industry.

4. This order shall apply to all workmen covered by the Wage Board for the Sugar Industry and shall remain in force till December 31, 1988.

Orders issued with Government Notification No. 8411 (HI)/XXXVI-2—101 (HI)-78, dated October 12, 1978 as modified by Notification No. 7873 (HI)/XXXVI-2—101 (HI)-80, dated January 7, 1981 and Notification No. 5853 (HI)/XXXVI-2—101 (*ii*) (HI)-78, dated December 31, 1982 shall be deemed modified to the extent of the operation of this order.

Orders issued in Government Notification No. 1866 (HI)/XXXVI-2—101(*ii*) (HI)-79, dated May 4, 1982 shall be deemed modified to the extent of the operation of this order.

[139] **English translation of Parivahan Anubhag-4, Noti. No. 1185-T/XXX-4—15-P-79, dated March 25, 1987, published in the U.P. Gazette, Extra., Part-4, Section (ka), dated 25th March, 1987, pp. 2-3**

Whereas in exercise of the powers under sub-section (2) of Section 43-A of the **Motor Vehicles Act, 1939** (Act No. IV of 1939) as inserted by the Motor Vehicles (U.P. Amendment) Act, 1972 (U.P. Act No. 25 of 1972), the State Government had by Notification No. 3330-T/XXX-4—178-KM-75, dated December 15, 1978, issued directions to the State Transport Authority and Regional Transport Authorities in respect of consideration of applications for stage carriage permits in the State;

And whereas certain difficulties were experienced in the implementation of the said directions on account of which the aforesaid notification was rescinded by Notification No. 4699T/XXX-4—1-KM-80, dated September 4, 1980;

Now, therefore, in exercise of the powers conferred by sub-section (2) of Section 43-A of the said Act read with Section 21 of the General Clauses Act, 1904 (U.P. Act No. 1 of 1904), the Governor is pleased to direct—

(1) that taking into consideration the increase in population, trade, transit of goods and Government work, the number of stage carriage permits on any non-nationalised route where there has been no increase in such permits for more than five years, shall be increased by 100 per cent and where there has been no increase in such permits for more than two years, shall be increased by 30 per cent and where there has been no increase during a period of more than one and less than two years, shall be increased by 20 per cent;

(2) that the State Transport Authority and Regional Transport Authorities shall grant stage carriage permits to the various categories of applicants in accordance with the quota shown below against each category—

(*i*)	Members of Scheduled Castes	18%
(*ii*)	Members of Scheduled Tribes	2%
(*iii*)	Members of Backward Classes	15%
(*iv*)	Ex-Army Personnel preferably Drivers, Freedom Fighters or their dependants	15%
(*v*)	Other persons	50%

Provided that in all the categories mentioned above preference shall be given to persons who were registered owners of vehicles lying idle on the date of this notification as well as on the date of

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consideration of their applications by the State Transport Authority or Regional Transport Authorities, excluding such operators as have been granted compensation or alternative routes as a result of any nationalisation scheme :

Provided further that in all the categories, preference shall be given to operators displaced due to nationalisation of routes over other applications ;

(3) That it will be also ensured that not more than one permit is issued to the members of one family.

CLARIFICATION

(1) The number of permits which are in "Whole Numbers" would be allotted as usual. Where the fraction is less than fifty per cent, this fraction should be ignored and where it is fifty per cent or more than fifty per cent it should be reckoned as one.

(2) In a situation where the number of permits to be issued is so small that less than half a permit comes to the quota of any category, such unallotted permits shall be allotted serially—one each to categories (*i*) to (*iv*).

(3) This notification shall not apply to appeals pending before the State Transport Appellate Tribunal in cases decided by the State Transport Authority or Regional Transport Authorities in accordance with the provisions applicable prior to the coming into operation of this notification.

(4) Notwithstanding anything contained in this notification anything done or any action taken under Notification No. 3330-T/XXX-4—178-KM-75, dated December 15, 1978, referred to above, shall be deemed to have been done according to law.

DEFINITIONS

(1) "Family", in relation to a person, means the person concerned, his wife or husband, as the case may be, and their minor children.

(2) "Dependant of freedom fighter" means the wife or the widow, as the case may be, unmarried daughters, dependant parents, minor sons and unmarried dependant sisters.

[140] English translation of Avas Anubhag-3, Noti. No. 4274/XXXVII-3—85-182-N.K.V.-74, dated December 21, 1985, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 21st December, 1985, p. 3

In exercise of the powers under sub-section (1) of Section 3 of the **Uttar Pradesh (Regulation of Building Operations) Act, 1958** (U.P. Act No. XXXIV of 1958) read with Section 21 of Uttar Pradesh General Clauses Act, 1904 (U.P. Act No. 1 of 1904), the Governor is pleased to make the following amendments in Notification No. 1450/XXXVII-3—21(6)-63-67, dated January 29, 1972 :

Amendments

In the aforesaid notification for the regulated area the following regulated area shall be *substituted*, namely :

"Modinagar Regulated Area"

1. Area falling within the limits of Modinagar Municipality.

2. Area falling within the limits of the following villages in Tehsil Ghaziabad and Tehsil Hapur of District Ghaziabad :

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Sl. No.	Name of the villages	Tehsil
1	Saidpur Husanpur Dilna	Hapur
2	Hirdayapur Bhandora	Ghaziabad
3	Rory	,,
4	Qadrabad	,,
5	Sara	,,
6	Niwari	,,
7	Penga	,,
8	Asifpur Ujhera	,,
9	Nagla Musa	,,
10	Sherpur	,,
11	Yaqutpur Mawi	,,
12	Makrramatpur Sikhera	,,
13	Bisokhar	,,
14	Begumabad Bundana	,,
15	Modinagar Town	,,
16	Bakharba	,,
17	Bidhapur Shafiabad	,,
18	Aurangabad Gadana	,,
19	Lalitpur Tibra	,,
20	Sikri Khurd	,,
21	Phaphrawa	,,
22	Sonda	,,
23	Fatehpur	,,
24	Sikhera Hazari	,,
25	Mohammadpur Qudim	,,
26	Dioli	,,
27	Sadabad Jakhewa	,,
28	Abupur	,,
29	Ukhlarsi	,,
30	Jalalabad	,,
31	Yusufpur Mamtola	,,
32	Sikri Kalan	,,
33	Kazampur	,,
34	Abidpur Manki	,,
35	Dosa Banzarpur	,,
36	Khanjarpur	,,
37	Bhojpur	Hapur
38	Machri	,,
39	Shahjahanpur	,,

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[141] **English translation of Shram Anubhag-3, Noti. No. 648/XXXVI-3—6(S)-86, dated February 19, 1988, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 19th February, 1988, p. 2**

In exercise of the powers under sub-section (2) of Section 26 of the **Minimum Wages Act, 1948** (Act No. XI of 1948) the Governor is pleased to direct that the provisions of the said Act shall not apply for a period of one year from the date of publication of this notification in the Gazette, to the employees of Khadi and Gram Udyog Institutions in Uttar Pradesh, which are run and/or controlled by the Uttar Pradesh Khadi and Village Industries Board or Khadi and Village Industries Commission and which constitute any of the following Employments :—

1. Employment in match industry.
2. Employment in potteries, ceramics or refractories.
3. Employment in washing or toilet soap or silicate or soap powder or detergent manufactory.
4. Employment in tanneries and leather manufactory.
5. Employment in leather goods manufactory.
6. Employment in oil mill.
7. Employment in Khandsari.
8. Employment in rice mill, flour mill or Dal mill.
9. Employment in wood works and furniture.
10. Employment in shops.
11. Employment in any commercial establishment.

[142] **English translation of Avas Anubhag-3, Noti. No. 2861/XXXVII-3—87-2R.A.-86, dated January 8, 1988, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 8th January, 1988, p. 2**

Whereas the State Government is of opinion that the following area in district Muzaffarnagar requires to be regulated under the **Uttar Pradesh (Regulation of Building Operations) Act, 1958** (U.P. Act No. XXXIV of 1958), with a view to the prevention of bad laying out of land, haphazard erection of buildings and growth of sub-standard colonies and with a view to the development and expansion of the said area according to the proper planning.

Now, therefore, in exercise of the powers under sub-section (1) of Section 3 of the said Act, the Governor is pleased to declare the following area to be regulated area ;

REGULATED AREA SHAMLI

A—Area falling within the limits of Shamli Municipality.

B—Area falling within the limits of the following villages of Tehsil Kairana of district Muzaffarnagar :—

1. Titauli
2. Mundait Kalan
3. Shamli Rural (Area up to a distance of 2 km. surrounding the limits of Shamli Municipality)
4. Banat
5. Tajpur Shimbhalka
6. Balwa
7. Lilaun

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8. Kheri Kermu
9. Gaorhni
10. Kannukhera Badheva
11. Sahanta.

[143] **English translation of Pariwahan Anubhag-4, Noti. No. 5743-T/XXX-4—23-KM-87, dated January 14, 1988, published in the U.P. Gazette, Extra., Part-4, Section (ka), dated 15th January, 1988, p. 2**

In exercise of the powers under Section 41 of the **Motor Vehicles Act, 1939** (Act No. IV of 1939), the Governor is pleased to make the following rules with a view to amending the U.P. Motor Vehicles Rules, 1940 after their previous publication in Government Notification No. 4342-T/XXX-4—23-KM-87, dated October 26, 1987, published in the Uttar Pradesh Gazette Extraordinary, dated October 28, 1987, as required under sub-section (1) of Section 133 of the said Act.

1. **Short title and commencement**.—(1) These rules may be called the **Uttar Pradesh Motor Vehicles (Fiftieth Amendment) Rules, 1988.**

(2) They shall come into force with effect from the date of their publication in the Gazette.

2. **Amendment of Rule 41**.—In the U.P. Motor Vehicle Rules, 1940, for sub-rule (*a*) of Rule 41 the following sub-rule shall be *substituted*, namely :—

"(*a*) The registered numbers assigned to Motor Vehicles under Section 24(3) of the Act shall be assigned serially in the order in which applications for registration are received :

Provided that if a Motor Vehicle owner requests for a special registration number of his choice in the current series and is willing to pay 4 times the prescribed fee for registration, under Rule 31 he may be allotted the number of his choice."

[144] **English translation of Sahkarita Anubhag-1, Noti. No. 311/XII-C-1—88-7(1)-86, dated January 21, 1988, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 21st January, 1988, p. 2**

In exercise of the powers under sub-section (2) of Section 3 of the **Uttar Pradesh Co-operative Societies Act, 1965** (U.P. Act XI of 1966) and in continuation of Government Notification No. 3328-C/XII-CA-25(1)-67, dated June 24, 1969, the Governor is pleased to confer subject to the provisions of the said Act and the rules made thereunder, the powers of the Registrar under that Act and the rules, to be exercised as follows :—

"An officer for the time being holding the post of the District Assistant Registrar, Co-operative Societies, U.P. shall also exercise the powers of the Registrar under Rules 402, 403, 409, 414 and sub-rules (4), (5), (7) and (8) of Rule 440 in respect of the Primary Co-operative Societies having headquarters within area of his jurisdiction."

[145] **English translation of Nagar Vikas Anubhag-5, Noti. No. 627/XI-5—88-59-D.A.-86, dated February 5, 1988, published in the U.P. Gazette, Extra., Part-1, Section (kha), dated 5th February, 1988, p. 2**

In exercise of the powers conferred under clause (*j*) of sub-section (3) of Section 4 of the **Uttar Pradesh Special Area Development Authorities Act, 1986** (Uttar Pradesh Act No. 9 of 1986), the Governor is pleased to nominate the undernoted persons as ex officio members of the Doon-Valley

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Special Area Development Authority from the date of publication of this notification in the Official Gazette :—

1—Secretary to State Government, Hill Development Department.

2—Secretary to State Government, Forest Department.

[146] **English translation of Karmik Anubhag-3, Noti. No. 642/XIII-15—84-Ka-3-88, dated February 15, 1988, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 15th February, 1988, p. 2**

In exercise of the powers under sub-section (3) of Section 1 of the **Uttar Pradesh Subordinate Services Selection Board Ordinance, 1988** (U.P. Ordinance No. 2 of 1988), the Governor is pleased to notify February 15, 1988 as the date on which the said Ordinance shall come into force.

[147] **English translation of Shram Anubhag-3, Noti. No. 423/XXXVI-3—6(S)-86, dated February 19, 1988, published in the U.P Gazette, Extra., Part-4, Section (kha), dated 19th February, 1988, p. 2**

In exercise of the powers under sub-section (3) of Section 3 of the **Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962** (U.P. Act No. XXVI of 1962) the Governor is pleased to exempt, in public interest, all the Khadi and Gramodyog Institutions run and/or controlled by the Uttar Pradesh Khadi and Village Industries Board or Khadi and Village Industries Commission, situate in the State of Uttar Pradesh, from the operation of all the provisions of said Adhiniyam for a period of one year from the date of publication of this notification in the Gazette.

[148] **English translation of Panchayati Raj Anubhag-2, Noti. No. 1147-B/XXXIII-2—700(85)-85 U.P.A. 33-1961-Rule—1966-A.M.(5)-1987, dated May 1, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 1st May, 1987, pp. 12-19** [L]

In exercise of the powers under Section 237 of the **Uttar Pradesh Kshettra Samitis and Zila Parishads Adhiniyam, 1961** (U.P. Act No. XXXIII of 1961) read with Sections 40 and 44 and sub-section (2) of Section 46 of the said Adhiniyam and all other powers enabling him in this behalf, the Governor is pleased to make the following Rules with a view to amending the Uttar Pradesh Zila Parishads (Central Transferable Cadre) Rules, 1966 :

1. Short title and commencement.—(1) These rules may be called the **Uttar Pradesh Zila Parishads (Central Transferable Cadre) (Fifth Amendment) Rules, 1987.**

(2) They shall come into force with effect from the date of their publication in the Gazette.

2. Amendment of Rule 3.—In the Uttar Pradesh Zila Parishads (Central Transferable Cadre) Rules, 1966, hereinafter referred to as the said rules for the existing Rule 3 the following rule shall be *substituted*, namely :

"*Creation of Central Transferable Cadres.*—The State Government shall create transferable cadres of,—

(A) Karya Adhikaris, Abhiyantas, Kar Adhikaris and Junior Engineers of Zila Parishads separately consisting of as many officers as the State Government may from time to time decide; and

(B) Chikitsa Adhikaris, Chikitsa Adhikaris (Incharge Homoeopathic

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Dispensary), Vaidas and Hakims separately consisting of as many officers as the State Government may from time to time decide :

Provided that the State Government may, from time to time, increase any of the cadres by creation of additional or temporary posts as may be found necessary or keep all or any of the posts in the cadres in abeyance."

3. Amendment of Rule 5.—In the said rules, for the existing sub-rule (1) of Rule 5 the following sub-rule shall be *substituted*.

"(1) The scales of pay for the posts of a Karya Adhikari, Kar Adhikari, and Abhiyanta, a Junior Engineer, a Chikitsa Adhikari, a Chikitsa Adhikari (Incharge Homoeopathic Dispensary), a Vaidya or a Hakim shall be as mentioned against each in the schedule."

4. Amendment of Rule 28.—In the said rules, for the existing Rule 28 the following rule shall be *substituted*, namely :—

"*28. Posting and transfers by the State Government.*—The State Government shall have the power to make postings of the officers appointed in the cadres of Karya Adhikaris, Abhiyantas, Kar Adhikaris, Junior Engineers, Chikitsa Adhikaris, Chikitsa Adhikaris (Incharge Homoeopathic Dispensary), Vaidyas and Hakims, to any Zila Parishad and to transfer them from one Zila Parishad to another :

Provided that no officer shall be posted in a district of which he is a permanent resident."

5. Substitution of the Schedule.—In the said rules for the Schedule the following Schedule shall be *substituted*, namely :—

"

Sl. No.	Designation of Post	Scale	Qualification for candidate	Age limit	Method of Recruitment	Appointing Authority
1	2	3	4	5	6	7
1	Karya Adhikari	Rs. 850—40—1050—E.B.—50—1300—60—1420—E.B.—60—1720.	A degree of a University established by law in India or a qualification recognised as equivalent to such degree by the State Government.	21—30 years.	By direct recruitment or by promotion from amongst Kar Adhikaries with atleast 5 years substantive service as such and office superintendents or Accountants with at least ten years' substantive service as such and eligible for the post of Kar Adhikaries : Provided that for Temporary arrangements not exceeding	State Govt.

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1	2	3	4	5	6	7
					one year promotions can be made from amongst permanent Kar Adhikaries, Office Superintendents, Accountants, if persons with requisite experience are not available.	
2	Kar Adhikari	Rs. 570—25—770—E.B.—30—980—E.B.—30—1100.	A degree of a University established by law in India or a qualification recognised as equivalent to such degree by the State Government.	21—30 years.	By direct recruitment or by promotion from amongst Office Superintendent and Accountants wth atleast five years substantive service as such and Revenue Superintendents with atleast seven years' substantive service as such and Revenue Inspectors and Tax Inspectors with atleast ten years' substantive service as such: Provided that for temporary arrangements for a period not exceeding one year promotion may be made from amongst permanent Accountants, Office Superintendent Revenue Superintendents, Revenue Inspectors and Tax Inspectors if persons with requisite experience are not available.	State Govt.
3	Abhiyanta including Atirikt Abhiyanta.	Rs. 850—40—1050—E.B.—50—1300—60—1420—E.B.—60—1720.	Diploma of Civil Engineering from the erstwhile Thompson College of Civil Engineering Roorkee; or 2. A degree in Civil Engineering of a	21—45 years.	By direct recruitment or by promotion from amongst qualified Junior Engineers possessing any of the qualifications	State Govt.

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1	2	3	4	5	6	7
			recognised University or Institute of India or abroad or of such other institutions or Universities as may be recognised by the State Government from time to time; or 3. Passed Ss. A, B and C of the Associate Membership examination of either the Institute of Engineers (India) or the Institute of Civil Engineers (England); or 4. Passed the Associate Membership examination of the City and Gilds Institute (Imperial College of Science and Technology) South Kenington in civil engineering; or 5. Any qualification in Civil or Mechanical Engineering which is recognised by the Institute of Engineers (India) (as exempting the candidates from Sections A, B and C of the associate membership examination of the Institute; or 6. Overseers Junior Engineers Diploma of a recognised college or Institute, or an examination body with atleast 10 years' service as Overseers. Junior engineers or Computer in Zila Parishad or any other Local Authority or a Government or semi-Government Organisation.		prescribed for direct recruitment to the post of Junior Engineers with atleast 10 years' service as such: Provided that a Junior Engineer possessing any of the qualifications equivalent to a degree standard as specified for direct recruitment would be given 10 years' seniority over Junior Engineers who possess only a diploma qualification.	

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1	2	3	4	5	6	7
4	Chikitsa Adhikari	Rs. 850—40—1050—E.B.—50—1300—60—1420—E.B.—60—1720.	A degree of M.B.B.S. of a University established by law in India or a qualification recognised as equivalent thereto by the Medical Council of India.	21—45 years.	By direct recruitment.	State Govt.
5	Junior Engineer	Rs. 485—15—590—18—626—E.B.—18—680—20—780—E.B.—20—860.	Should possess a Diploma of Civil Engineering from— (*i*) Roorkee University; or (*ii*) The Hewett Engineering School Lucknow; or (*iii*) The Civil Engineering College, Lucknow; or (*iv*) The Aligarh Engineering College; or (*v*) The Poona Engineering College; or (*vi*) The Orissa Engineering College; or (*vii*) The Diploma issued by the M.G. Technical Institute; or any other institutions recognised by Government or the State Board of Technical Education.	18—30 years.	By direct recruitment.	State Govt.
6	Junior Engineer (unqualified)	Rs. 340—10—400—E.B.—10—430—12—454—E.B.—12—550.	Admissible only to the existing employees of the Zila Parishads exempted from the prescribed qualifications.	..	By interview from amongst the existing employees exempted from the prescribed qualifications.	State Govt.
7	Chikitsa Adhikari Grade-II of Allopathic Dispensary.	Rs. 570—25—770—E.B.—30—980—E.B.—30—1100.	Licentiate of the State Medical Faculty or College of Physicians and Surgeon, Bombay or Diploma of L.M.P.	..	By interview from existing hands only.	State Govt.

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1	2	3	4	5	6	7
8	Chikitsa Adhikari Grade-I Incharge of Homoeo-pathic Dispensary	Rs. 570—25—770—E.B.—30—980—E.B.—30—1100.	(*i*) Degree in Homoeopathic of a University established by law in India. (*ii*) Five years Degree or four years' diploma in Homoeopathy (C. H. M. S. or B. M. S.) of the Board of Homoeo-pathic Medicine U.P., or (*iii*) Four years' diploma course in Homoeopathy from any of the recognised institutions, by the State Government.	21—45 years.	50 per cent, by direct recruitment and 50 per cent by promotion from amongst Chikitsa Adhikari (Homoeopathic Grade II).	State Govt.
9	Chikitsa Adhikari's (Indigenous hospital or dispensary)	Rs. 570—25—770—E.B.—30—980—E.B.—30—1100.	Professional— (*i*) Degree in Ayurved or Unani Tibbi of a University established by Law in India ; or (*ii*) Five years' degree or Diploma in Ayurveda or Unani Tibbi (BIMS or DIMS) of the Board of Indian Medicine ; or (*iii*) Diploma of Ayurveda Alankar of the Ayurvedic College-Kangri University, Saharanpur District. Experience—A minimum experience of 10 year.	21—35 years.	75 per cent of the posts by direct recruitment and the rest by promotion from qualified Vaids and Hakims.	State Govt.
10	Vaids and Hakims (Qualified)	Rs. 570—25—770—E.B.—30—980—E.B.—30—1100.	Any of the professional qualifications mentioned against serial No. 9 with a minimum experience of one year.	21—35 years.	75 per cent by direct recruitment and 25 per cent by promotion from unqualified vaids and Hakims.	State Govt."

[149] **English translation of Nagar Vikas Anubhag-4, Noti. No. 363(1)/XI-4—88-1-E-O-85, dated March 10, 1988, published in the U. P. Gazette, Extra., Part 4, Section (ka), dated 11th March, 1988, pp. 7-13** [L]

In exercise of powers under Section 112-A of the **U. P. Nagar Mahapalika Adhiniyam, 1959** (U. P. Act No. II of 1959) and Section 69-B read with clause (*a*) of sub-section (2) of Section 296 of the U. P. Municipalities Act, 1916 (U. P. Act No. II of 1916), the Governor of Uttar Pradesh, is pleased to make, after previous publication under Notification No. 3701/XI-4—87-1-EO-85, dated December 14, 1987, as required under sub-section (2) of Section 540 of the U. P. Nagar Mahapalika Adhiniyam, 1959 and sub-section (1)

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of Section 300 of the U. P. Municipalities Act, 1916, the following Uttar Pradesh Palika (Centralised) Services (Fourteenth Amendment) Rules, 1987.

1. **Short title and commencement.**—(1) These Rules may be called the **Uttar Pradesh Palika (Centralised) Services (Fourteenth Amendment) Rules, 1987.**

(2) They shall come into force with effect from the date of their publication in the Gazette.

2. **Amendment of Rule 6.**—In the Uttar Pradesh Palika (Centralised) Services Rules, 1966 for Rule 6 the following rule shall be *substituted*:

"6. *Source of recruitment, absorption and determination of service of existing officers and servants.*—(1) Subject to the provisions of sub-rule (2)—

(*i*) the posts mentioned in Schedule I shall be filled in by promotion in the manner laid down in Rule 20;

(*ii*) the posts mentioned in Schedule II shall be filled in by direct recruitment in the manner laid down in Part V, of these Rules;

(*iii*) the posts mentioned in Schedule III shall be filled in equally from two sources and in the manner mentioned above so, however, that the odd post, if any, shall be filled in by promotion:

Provided that if suitable candidates are not available in the number required under this sub-rule for recruitment by promotion or by direct recruitment, as the case may be, the deficiency may be made good from the other of the two sources or temporary appointment may be made by deputation from amongst the officers serving under Government.

(2) The absorption or determination of services of officers and servants of the Palika holding or performing the duties and functions of the post referred to in Rule 3 immediately before the commencement of these rules shall be governed by the following provisions;

(*i*) Permanent officers and servants of the Palika as well as officers and servants referred to in clause (*e*) of Section 577 of Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959, shall, unless they opt otherwise, stand absorbed provisionally subject to such orders as Government may in each case pass.

(*ii*) Other temporary officers and servants shall, unless they opt otherwise, stand absorbed provisionally subject to such orders as Government may in each case pass.

(*iii*) Such officers and servants as are provisionally absorbed under clauses (*i*) and (*ii*) may by subsequent order of Government, to be passed before the 31st day of August, 1967, be finally absorbed if found suitable.

(*iv*) If in any case no orders to the contrary are passed by Government before the date mentioned in clause (*iii*) the officers or servants, shall be deemed to be finally absorbed.

(*v*) The services of officers and servants referred to in the preceding clauses who opt against absorption as well as of those who are found to be unsuitable for absorption shall stand determined, and they shall, without prejudice to their claim to any leave, pension, provident fund or gratuity as they would be entitled to

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take or receive on their retirement or termination of service, as the case may be, if these rules had not been made, be paid the following compensation—

(*a*) Officers and servants referred to in clause (*i*)—

(A) The pay for the remaining period of their service; or

(B) six months pay in the case of officers and servants whose total continuous service immediately before the commencement of these rules exceeded ten years, and three months pay in the case of officers and servants whose total continuous service as aforesaid did not exceed ten years.

(*b*) Officers and servants referred to in clause (*ii*)—one month's pay.

Explanation I.—For the purposes of calculating pension or gratuity, if any admissible to the officers and servants referred to in clause (*i*), whose services stand determined under this clause, the length of service qualifying for pension or gratuity shall be deemed to be *added* as follows:

Length of service qualifying for pension or gratuity	Addition to be made
(*i*) Up to five years	one year
(*ii*) over five years and up to 10 years	two years
(*iii*) over 10 years and up to 15 years	three years
(*iv*) over 15 years	four years

Explanation II.—For the purposes of this clause 'pay' includes any dearness allowance or other *ad hoc* addition by way of interim relief that may be admissible.

(*vi*) The compensation mentioned in clause (*v*) above shall be paid by the Palika under whom the officer or servants was employed immediately before the commencement of these rules.

(*vii*) The option mentioned in the clauses (*i*) and (*ii*) may be exercised at any time before the 15th day of November, 1966 and intimation of exercise thereof shall be sent to Government. Until option to the contrary is exercised the officer or servant shall, subject to the provisions of the foregoing clauses, stand absorbed provisionally.

(3) Consequent upon upgradation of Municipality into Class I Municipality the absorption or otherwise of persons who immediately before the upgradation were holding the posts of Tax Superintendents, Office Superintendents, Head Clerks and Accountants shall be governed by the following provisions—

(*i*) A Tax Superintendent shall, unless he opts against absorption, if found suitable, be absorbed in the Palika revenue Administrative (Subordinate) Service as an Assistant Tax Superintendent of the Nagar Mahapalika.

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(*ii*) An office Superintendent or Head Clerk, as the case may be, shall, unless he opts against absorption if found suitable, be absorbed in the Palika (Ministerial) service as an office Superintendent Head Clerk of Class I Municipal Board.

(*iii*) An Accountant shall, unless he opts against absorption, if found suitable, be absorbed in the Palika Accounts (Subordinate) as an Accountant of Nagar Mahapalika and Class I Municipal Board.

(*iv*) The Services of Tax Superintendent, an office Superintendent, Head Clerk or an Accountant who opts against absorption or who is found unsuitable shall stand determined.

(4) Consequent upon the conversion of a Notified Area Committee or a Town Area Committee into Class IV or III of a Municipality, the post of Secretary, Bakshi or Superintendent shall be deemed to have been converted in the post of Executive Officer, Class IV or III, as the case may be and—

(*a*) in case the aforementioned post is converted into the post of Executive Officer, Class III ;

(*i*) The seniormost Executive Officer of Class IV shall be promoted and posted against the said post ;

(*ii*) The seniormost Secretary, Bakshi or Superintendent, as the case may be, shall be appointed as Executive Officer Class IV.

(*iii*) The Secretary, Bakshi or Superintendent, as the case may be, of the Notified Area/Town Area Committee converted into a Municipality, as aforementioned if not seniormost in the cadre, shall be transferred in place of the seniormost Secretary, Bakshi, or Superintendent, appointed Executive Officer Class IV.

(*b*) in case the aforementioned post of Secretary, Bakshi or Superintendent is converted in the post of Executive Officer Class IV, the provisions of sub-clauses (*ii*) and (*iii*) of clause (*a*) shall apply.

(*c*) The seniormost Secretary, Bakshi or Superintendent, as the case may be, shall, unless he opts against appointment, if found suitable by government, be appointed in the Palika (Centralised) Services as Executive Officer Municipal Board, Class IV.

(*d*) An Overseer or Junior Engineer shall, unless he opts against appointment, if found suitable by Government be appointed as Junior Engineer in the Palika (Centralised) Services.

(*e*) The services of Secretary, Bakshi or Superintendent, Overseer or Junior Engineer, who opts against appointment, or who is found unsuitable by Government, shall stand determined.

(5)(*i*) The provisions of clauses (*v*) and (*vi*) of sub-rule (2) shall *mutatis mutandis* apply to an employee whose services are determined under sub-rule (3) or sub-rule (4).

(*ii*) The option mentioned in sub-rules (3) and (4) may be exercised within one month of the date of upgradation of Municipality or conversion of the Town Area Committee or Notified Area Committee into a

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Municipality and the option so exercised shall be sent to Government by the District Magistrate along with the service book, and the character roll and other personal files relating to each individual as also attested copies of the certificates of his educational qualifications. The District Magistrate of the district in which the total body is situate shall send his recommendations to the State Government through Director of Local Bodies, whether or not the employee's work, conduct, qualification and general reputation regarding his integrity justifies his appointment on any post in the U. P. Palika (Centralised) Services.

(6) The employees of local bodies which were upgraded or converted on or after July 9, 1966 shall also be entitled to exercise their options at any time before 5th day of December, 1979 and the intimation thereof shall be sent to Government. Their cases of absorption/appointment in the Palika (Centralised) services or otherwise shall be dealt with in accordance with sub-rules (3), (4) and (5).

(7) Consequent upon inclusion of new posts in the Centralised Services under Rule 3, or conversion of a Notified Area or Town Area Committee into any class of a Municipality, the absorption/appointment or determination of services of officers and servants of the Palikas/ Notified Area, Town Area Committee holding or performing the duties and functions of the posts immediately before the said inclusion/conversion shall be governed by the provisions contained in clauses (*i*) to (*vii*) below :

(*i*) Officers and servants of the Palika shall, unless they opt otherwise, stand absorbed provisionally appointment subject to such orders as may be made by Government in each case.

(*ii*) Such officers and servants as are provisionally absorbed under clause (*i*) may by subsequent orders of Government to be passed within 180 days of the inclusion of their posts in the Centralised Services, if found suitable, be finally absorbed.

(*iii*) If in any case no orders to the contrary are passed by Government before the expiry of the aforesaid period of 180 days, the officers or servants shall be deemed to be finally absorbed.

(*vi*) The option for absorption/appointment mentioned in clause (*i*) may be exercised at any time before expiry of 60 days from the date of inclusion of the new post in the Centralised Services or conversion of Notified Area/Town Area Committee into any class of a Municipality and intimation thereof shall be sent to the Director of Local Bodies and the Government.

(*v*) The option exercised under the foregoing clauses shall be sent to Government through the Director of Local Bodies by the District Magistrate in the case of Municipal Boards and by the Administrator or the Mukhya Nagar Adhikari in the case of Nagar Mahapalika along with the service book, character roll and personal file relating to each individual as also attested copies of the certificates of his educational qualifications and while doing so, the aforesaid authority shall also send his recommendation whether or not the employee's work, conduct, qualification and general reputation regarding integrity justify his absorption/ appointment in the Centralised Services.

(*vi*) The services of officers and servants referred to in the preceding

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clauses who opt against absorption/appointment as well as of those who are found to be unsuitable for absorption/appointment shall stand determined and they shall without prejudice to their claim to any leave, pension, provident fund, or gratuity as they would be entitled to take or receive on their retirement or termination of service, as the case may be, if these rules had not been made be paid compensation according to the formula given in clause (*v*) of sub-rule (2).

(*vii*) The compensation mentioned in clause (*vi*) shall be paid by the Palika/Notified Area/Town Area Committee under whom the officer or servant was employed immediately before the inclusion of his post in the Centralised Services :

Provided that this sub-rule shall not apply to the officers and servants who have already been absorbed or who have been appointed on permanent or temporary basis on any centralised post."

[150] English translation of Nagar Vikas Anubhag-7, Noti. No. 285-A/XI-7—88-23-K-83, dated January 29, 1988, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 31st January, 1988, pp. 6-10 [P]

In exercise of the powers under sub-section (1) read with clause (XI) of sub-section (2) of Section 420 of the **Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959** (U.P. Act No. II of 1959) the Governor is pleased to make the following rules after their previous publication in Government Notification No. 92-A/XI-7—23-K-83, dated January 9, 1987 as required under sub-section (2) of Section 540 of the said Adhiniyam.

1. **Short title and commencement.**—(1) These rules may be called the **Uttar Pradesh Nagar Mahapalikas (Prohibition of Noise and Regulation of Loudspeakers) Rules, 1987.**

(2) They shall come into force with effect from the date of their publication in the Gazette.

2. **Definitions.**—In these rules unless the context otherwise requires—

(*a*) 'Hirer' means a person who takes on hire a loudspeaker ;

(*b*) 'Licensing Officer' means the Mukhya Nagar Adhikari or an officer authorised by him in this behalf ;

(*c*) 'Loudspeaker' includes any electrically or mechanically operated device for amplifying or producing sound of great intensity ;

(*d*) 'Official purpose' means the purpose of Central Government the State Government or a local authority ;

(*e*) 'Person' includes a firm, a company, an institution, a society or any association of individuals ;

(*f*) 'Religious institution' means a temple, a mosque, a church or a gurdwara ;

(*g*) 'Trader' means a person who deals in the business of hiring out loudspeakers.

3. **Prohibition on use of Loudspeakers.**—No person shall, without the written permission of Mukhya Nagar Adhikari or any officer authorised by him in this behalf, and without complying with the conditions laid down in these rules use loudspeakers whether it is stationary or is fitted within or outside any house/premises or is fitted on any temporary structure, tent, car,

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lorry, bus, truck, tractor or any other vehicle or any mobile career within the limits of the Nagar Mahapalika :

Provided that the permission for the use of the loudspeaker for the official purpose, exhibiting pictures in a cinema hall licenced under the Indian Cinematograph Rules and religious purpose in a religious institution subject to the restriction laid down in Rule 5 will not be necessary.

4. Permission for use of loudspeaker.—(1) Any person desirous of using a loudspeaker shall submit an application, in duplicate in Form 'A' together with the fee payable to the licensing officer who shall either refuse the permission applied for in the interest of public safety and convenience and order for the refund of the permission fee to the applicant or shall grant the permission, subject to such conditions which he may impose in public interest.

(2) In the event of Section 144 of Indian Penal Code being enforced in the city or any part thereof, permission, or certified copy of the permission, obtained from the magistrate shall be necessary to be enclosed with the application under sub-rule (1).

(3) If after the grant of permission under sub-rule (1) of Section 144 of the Indian Penal Code is enforced in the city the permission shall be deemed to have been cancelled and all the permission granted in such period shall be subject to the order of the magistrate.

5. Time for the use of loudspeakers.—The permission granted by the licensing officer for the use of loudspeakers in public meeting, marriages, mushaira, kavi-sammelan, sangeet-sammelan, sports, theatre, stage-drama, religious keertan and religious and cultural programmes, election propaganda and other uses shall be from 8 A.M. to 10 P.M. during winter season and from 7 A.M. to 11 P.M. during the summer. Permission of the District Magistrate shall be necessary for using the loudspeaker beyond the prescribed time. For the purposes of this rule summer period shall be from 1st of March to 30th September and the winter period shall be from 1st of October to the end of February in every year.

6. Appeal.—Any person aggrieved by the order of the licensing officer may prefer an appeal to Nagar Pramukh within 10 days of the passing of the order and the order of Nagar Pramukh on such an appeal shall be final.

7. Trade of noise.—No person shall use, sell or let on hire the loudspeaker within the limits of Nagar Mahapalika without prior permission of the licensing officer under these rules.

8. Prohibition of public nuisance.—Every trader shall fix governor to keep the sound of every loudspeaker at the lowest pitch and no other appliance shall be used in a way that it may fall within the purview of public nuisance defined under the Indian Penal Code. This condition shall be laid down in the permission issued for the purpose.

9. Permission not to be given in certain cases.—No permission for the use of loudspeaker shall be given or applicable within a radius of 100 meters from the premises of a Hospital, a Court, a Library, a Government office, a quasi-Government office, a Hostel, a School, a College or a University.

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10. Permission fee.—Fee for permission for use of loudspeaker shall be at the following rates—

(1)	For one day or part thereof	Rs. 10
(2)	For fifteen days	Rs. 140
(3)	For one month	Rs. 250
(4)	For any period exceeding fifteen days or one month at the rate of	Rs. 10 per day.

11. Fee for letting out and keeping loudspeakers.—It will be compulsory for every trader to obtain licence for letting out and keeping loudspeakers. The licence fee for letting out and keeping loudspeakers shall be at the rate of Rs. 75 per annum per horn unit. If the period is less than one year the fee shall be payable in fraction thereof.

12. Every trader shall submit an application for permission in Form 'B' together with the fee at the rates prescribed under Rule 11 for permission for sale or letting out of the loudspeakers, to the licensing officer. If only an application is submitted by any trader for various licences the separate numbers of loudspeaker and horn units shall be specified.

13. (1) Every trader shall, after the issue of licence or within one month of the date of acquiring the loudspeaker whichever is later, shall submit the following statements to the licensing officer—

(*a*) Chassis No. of every loudspeaker ;

(*b*) Measurement and total wattage of every loudspeaker ;

(*c*) Maximum No. of horn units to be used with every loudspeaker.

(2) The licensing officer shall make an inspection or enquiry as he deems fit and may, after such enquiry or inspection and for the reasons to be recorded grant or refuse to grant a licence under these rules.

14. Metal Plate.—(1) After submission of the statement by the trader in accordance with sub-clauses (*a*), (*b*) and (*c*) of clause (*i*) of Rule 13, the licensing officer, after necessary enquiry or inspection shall issue a metal plate indicating thereon the licence number, period of licence, chassis number of the loudspeaker and number of horn units with it.

(2) If no chassis number is written on the loudspeaker the trader may get his own number engraved in it but such a number shall neither be changed nor be engraved on any other chassis.

(3) The licence holder shall fix the metal plate on the loudspeaker and horns and shall not let out the loudspeaker unless the metal plate is fixed thereon.

15. Prohibition for using loudspeaker without licence.—If any trader lets out any loudspeaker set without obtaining a licence therefor, or any person is found using the loudspeaker of the trader without there being any licence therefor, or if any person is found using any private loudspeaker without permission for its use, such a loudspeaker shall be taken into custody and shall be deposited in the Mahapalika. The decision of the Mukhya Nagar Adhikari in regard to the release of such a loudspeaker shall be final.

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16. Renewal of licence.—Every trader shall submit an application together with prescribed fee in Form 'B' for renewal of licence fifteen days before the commencement of next financial year failing which Rs. 5 per day per loudspeaker shall be charged as late fee after the end of the financial year.

17. Fee for duplicate licence.—A duplicate copy of the licence may be obtained on payment of Rs. 5 per licence in the event of loss or destruction of the licence.

18. Permission fee not refundable.—The permission fee shall not be refunded for not availing the permission or in the event of cancellation of the permission :

Provided that the permission fee shall be refundable to the applicant in case the permission is cancelled by the Nagar Mahapalika or any Magistrate in public interest or because of enforcement of Section 144 of the Code of Criminal Procedure and the Licensing Authority, is satisfied that the permission has not been availed in any way.

19. Traders register.—Every trader shall maintain a register in Form 'C' and before letting out any loudspeaker he shall enter into it the full name, address and permission of the hirer and such a register shall always be available for inspection by the Mahapalika authorities or for taking out extracts or copies from it.

20. Mutation.—Mutation of name shall be made in the Mahapalika on payment of Rs. 5 per loudspeaker within one month from the date of taking possession of the loudspeaker on the basis of sale or transfer.

21. (1) The loudspeaker shall be bought or taken on rent only from those traders having a valid licence.

(2) The traders shall let out his loudspeakers to such persons who have obtained permission from the licensing authority for their use within the limits of Mahapalika.

(3) The Hirer and the licensee shall be jointly and severally responsible for use of the loudspeaker in accordance with the provisions of these rules and shall be liable accordingly.

22. Any loudspeaker which is found to be used in contravention of these rules shall be seized by licensing authority or by employees of Nagar Mahapalika not below the rank of Revenue Inspector or any police officer having jurisdiction in accordance with sub-section (27) of Section 4 of Uttar Pradesh General Clauses Act authorised by the Mukhya Nagar Adhikari who is competent to produce it together within the charge-sheet before the court having jurisdiction.

23. Penalties and compounding of offences.—(1) Whoever keeps, lets or uses any loudspeaker in contravention of these rules shall be punished with fine which may extend to five hundred rupees, and in the case of continuing breach with fine which may extend to twenty rupees for every day during which the breach continues after conviction for first breach.

(2) Notwithstanding anything contained in sub-rule (1) the Mukhya Nagar Adhikari may compound any offence punishable under these rules on such terms and conditions as he thinks fit.

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FORM 'A'

APPLICATION FOR USE OF LOUDSPEAKERS

[*See* sub-rule (1) of Rule 4]

PART I

To

THE MUKHYA NAGAR ADHIKARI,

Nagar Mahapalika.....

For the purpose of.....

Sir,

I/We want to use the loudspeaker for the purpose of..... on.....from.....to..... from.....A.M /P.M. to.....A.M./P.M. I have deposited the required permission fee for Rs.....in the Nagar Mahapalika.

The receipt of payment No....., dated is enclosed.

2. I/We shall obtain the loudspeaker from..... (Name and address of the trader) whose permission No. is.....

Or

3. I/We have my/our own loudspeaker the permission No. of which is.....

4. I/We shall abide by the Uttar Pradesh Nagar Mahapalika (Prohibition of Noise and Regulation of Loudspeakers) Rules, 1987 to which I am/we are fully acquainted.

5. At present Section 144 of the Code of Criminal Procedure has been enforced in the area. Accordingly the permission of the Magistrate for the use of the loudspeaker applied for has been obtained. The number and date of which is..... Kindly grant permission for the use of the loudspeaker applied for.

Yours faithfully,

(*Signature, full name and address of the applicant*).

Certified that the applicant has entered into an agreement with me/us for hiring the loudspeaker for the above mentioned period.

Signature of Trader
(*Seal*)

PART II

(*for the use of Nagar Mahapalika office*)

Sri....., address..... is allowed to use the loudspeaker on.....from..... A.M./P.M.....to.....A.M./P.M. from..... to.....from A.M./P.M.....to..... A.M./P.M.....at medium volume.

2. Sri.....has deposited the Licence fee of Rs..... *vide* Receipt No....., dated.....

Clerk.
Nagar Mahapalika.

Superintendent,
Nagar Mahapalika.

No....., Date.....

Copy forwarded for information to—

(1) The City Magistrate.....and

(2) The Superintendent of Police (City).

.....
Superintendent,
Nagar Mahapalika

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FORM 'B'

APPLICATION FOR LICENCE IN THE TRADE OF HIRING AND SELLING OF LOUDSPEAKER

(*See* Rule 12)

To,

MUKHYA NAGAR ADHIKARI,

Nagar Mahapalika, ...

Sir,

I/We.....Address..... intend to carry out the trade in selling and hiring the loudspeaker. I/We assure that I/We am/are fully acquainted with the Uttar Pradesh Nagar Mahapalika (Prohibition of Noise and Regulation of Loudspeakers) Rules, 1987 and I/we will abide by them.

I/We therefore request you kindly to grant/renew the licence for the year.....

I/We have deposited the prescribed fee of Rs.....*vide* enclosed receipt on....., dated.....

Previous Licence No....., dated.....is also enclosed :

Yours faithfully,

Signature.....

Name and address.....

FORM 'C'

(*See* Rule 19)

1. Name and address of the seller/Hirer of the loudspeaker.....
2. Reference of licence obtained from Nagar Mahapalika.....

Licence No.....

Date.....

Registration for the year.....

Serial No.	Date	(Name and address of the Hiree)	Serial No. and date of permission granted to the Hiree	Period and time for which permission is granted	Signature of the Hiree
(1)	(2)	(3)	(4)	(5)	(6)

[151] **English translation of Shiksha Anubhag-11, Noti. No. 451/XV-11-87—3(58)-79, dated May 5, 1987, published in the U.P. Gazette, Extra., Part-4, Section (ka), dated 5th May, 1987, pp. 6-11**

In exercise of the powers under sub-section (5) of Section 28 of the **Uttar Pradesh State Universities Act, 1973** as amended and re-enacted by the Uttar Pradesh Universities (Re-enactment and Amendment) Act, 1974 (U.P. Act No. 29 of 1974) and in supersession

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of all previous Rules and Orders issued in this behalf, the Governor is pleased to make the following order :—

CHAPTER I

General

1. **Short title and commencement.**—(*i*) These orders may be called the **Uttar Pradesh State Universities (Regulation of Admission to Courses of Instruction for Degree in Education in Affiliated, Associated and Constituent Colleges) Order, 1987.**

(*ii*) They shall come into force with effect from the academic session 1987-88.

2. **Definitions.**—In these orders unless the context otherwise requires—

(*a*) 'Act' means the Uttar Pradesh State Universities Act, 1973 as amended and re-enacted by the Uttar Pradesh Universities (Re-enactment and Amendment) Act, 1974.

(*b*) 'College' means such college as is duly affiliated to or associated with or constituent of a University established under the Act;

(*c*) 'Course of Instruction' means such course of instruction as is imparted in a college for preparing students for admission to examination for B.Ed. or as the case may be, M.Ed. degree conducted by the University to which such college is affiliated or associated constituent;

(*d*) 'University' means the University to or with which the college where admissions to a course of instruction is sought or made is affiliated or associated or constituent.

CHAPTER II

Admission to B.Ed. Classes

3. **Qualifications for admission and the responsibility of preparing the merit list.**—(1) The minimum educational qualification requisite for the admission of a candidate to B.Ed. Classes shall be the graduate degree of a University established by law;

(2) It will be the responsibility of the concerned University to prepare the merit list for admission to B.Ed. Courses in an affiliated, associated or a constituent college. Admissions shall be made according to the merit list so prepared, unless a candidate is found ineligible for admission under sub-para 3 of para 12.

4. **Maximum number approved for admission to B.Ed. Classes.**—(1) The maximum number of students to be admitted in every college shall be such, as may be, prescribed by the Vice-Chancellor of the University and no person shall be admitted in excess of such number in any case. In prescribing the maximum number of students to be admitted the Vice-Chancellor shall take into account the teachers available in the college concerned for B.Ed. instructions so as to maintain the teacher-pupil ratio at 1 :15.

(2) (*a*) Number of seats for admission to Science graduates for B.Ed. training will be allotted by the Vice-Chancellor on the basis of availability

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of Science teachers in the B.Ed. Department so that teacher-pupil ratio is maintained at 1 :15 provided such college fulfills the following conditions :

It has Science classes up to B.Sc. Standard.

or

It has high school standard science laboratory in the B.Ed. department itself.

or

The school in which actual teaching training is given has science recognition of high school standard.

(*b*) The colleges, other than the colleges mentioned in clause (*a*) recognised for B.Ed. training shall not admit Science graduates even if it has science teachers on its B.Ed. staff.

(3) The admissions to the candidates of outside states shall be given up to 5 per cent if such candidates are eligible for admission on the basis of merit list prepared under para 3. If the eligible candidates of other states on the basis of merit list are not available for admission the seats so reserved for them shall be filled by general candidates.

5. Reservation of Seats.—In every college, reservation of seats for admission to B.Ed. classes shall in relation to the total number of seats in such college be made in favour of the Scheduled Castes and Scheduled Tribes, Backward Castes and Handicapped candidates to the extent of 18 per cent, 2 per cent, 10 per cent and 2 per cent respectively :

Provided that where sufficient number of eligible candidates belonging to the Scheduled Castes, Scheduled Tribes, Backward Castes and handicapped candidates is not available for admission such seats as are preserved for them and remain unfilled shall be filled by the general candidates.

Note :—A handicapped candidate shall have to submit along with his application a certificate from the Chief Medical Officer of the district to the effect that though he is handicapped he is not dumb, deaf, does not stammer, or does not suffer from skin disease or any other disease which is likely to spread among children or cause hindrance in class teaching.

6. Application for Admission.—(1) Every candidate for admission to B.Ed. classes shall apply in the manner hereinafter provided in the prescribed form to be obtained from the office of the Registrar of the concerned University on payment of Rs. 10 for each form. The last date for applying for admission shall ordinarily be the 31st day of May or such date in the month of June as the University may prescribe ;

(2) The candidate shall send the application form by Registered post to the Registrar of the University ;

(3) No application received in the office of the Registrar after such date as may be prescribed by the University in this behalf shall be entertained.

7. Examination for admission.—(*a*) Every University shall organise its own combined admission examination for admission to B.Ed. courses in its affiliated, associated and constituent colleges. The admission examination

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of all the Universities shall be organised on one and the same date as may be fixed by the State Government.

8. Examination Fee.—The examination fee will be Rs. 50 only for B.Ed. admission which shall be charged by the concerned University.

9. Course for Examination and qualifying marks.—(1) There shall be following two papers in the admission examination.

Subject	marks	Time
(*a*) Language and General Knowledge.	200	3 hours
(*b*) Aptitude test in which there shall be separate questions for Arts, Science and Commerce students.	200	3 hours

(2) Candidate securing at least 40 per cent marks in each paper shall be eligible for admission in B.Ed. courses.

10. Examination Centre.—The centres of the admission examination shall be decided by the concerned Universities but efforts shall be made for minimum number of Examination centres. The institutions which have reputation for conducting fair examinations shall only be selected as examination centres.

11. Allotment of extra marks.—A candidate falling under any of the categories specified below shall on furnishing such certificates as may be specified by the University in that behalf be allotted extra marks indicated against each, but the total of extra marks thus obtained shall not exceed twenty-five.

(*a*) Candidates taking part in National or State level or Inter University games and sports competition,—

(*i*) In individual items candidate obtaining :—

First position	15 marks
Second position	10 marks
Third postition	5 marks

(*ii*) In the team items the candidates being member of—

Champion team	15 marks
Runners-up team	10 marks
Participating team	5 marks

(*iii*) In Inter-Collegiate tournament or games or athletic meet organised by the University candidate being—

Member of champion team	10 marks
First position in individual item	10 marks

Notes.—(1) The candidates shall be given benefit of only one item under the item Nos. (*i*) to (*iii*) mentioned above.

(2) Certificates of participation in the National or State level games or sports competitions issued by the Government Sports Department only shall be accepted.

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(*b*) Male candidates obtaining 'C' Certificates and female candidates obtaining G-2 Certificates in the National Cadets Corps;	..	15 marks
Or		
Male candidates obtaining (B) Certificates and female candidates obtaining 'G-1' Certificates;	..	10 marks
Or		
Candidates serving for 240 hours and participating in two or more special camps in National Service Scheme;	..	15 marks
Or		
Candidates serving for 240 hours and participating in one special camp in National Service Scheme;	..	10 marks
Or		
Candidates serving for 240 hours in National Scheme;	..	5 marks
Or		
The Candidates getting National Prize in Scouts & Guides;	..	15 marks
Or		
The candidates getting Governors prize in Scouts and Guides;	..	10 marks
Or		
The candidate trained as 'DHRUVA PAD' or 'GURU PAD' in Scouts and Guides.	..	5 marks

Note:—The candidates shall be given benefit of only one item under the items mentioned above.

(*c*) Candidates related to a freedom fighter as his son or daughter or his son's son or the unmarried daughter of son.	..	15 marks
(*d*) Candidates being defence employee in active service or demobilised or related to such an employee or to a disabled, deceased or traceless defence employee as his son, daughter or wife.	..	15 marks
(*e*) Candidates employed in Police or B.S.F. or P.A.C. or S.S.B. or I.T.B. or C.R.P. or Home Guard (the certificate of Home Guard should be countersigned by Senior Superintendent of Police or Superintendent of Police) or related to such an employee whether in active service or retired, disabled or deceased as his son or daughter.	..	15 marks
(*f*) Candidates being widow or divorced or abandoned women (such candidates should furnish legal certificates to this effect).	..	15 marks

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(*g*) Teaching and non-teaching staff (only of approved institutions) or his/her son/daughter/wife/husband. .. 15 marks

Notes :—(1) The certificate signed by Regional Higher Education Officer/District Inspector of School/Basic Shiksha Adhikari/Regional Inspectress or Girls School in case of 11(G) mentioned above will be accepted ;

(2) If a candidate gets more than 25 marks in the items mentioned in (*a*) to (*g*) above, he shall be given benefit of only 25 marks and not more.

12. Preparation of merit list.—(1) Separate merit lists for reserved and general seats shall be prepared on the basis of marks obtained in admission examination and the marks obtained under para 11 mentioned above ;

(2) If the marks obtained by two or more candidates on the basis of admission examination and para 11 are equal preference shall be given to the candidate of the same university or of college affiliated or associated with or constituent of the same University. If still the marks are equal then candidate being elder will be given preference ;

(3) If against the conduct of any candidate there is report in writing of District Magistrate or against whom criminal proceedings are in process in any court of law or if candidate has been punished by any court in any criminal case or if the candidate has been debarred from University examination for two or more years due to use of unfair means the principal of the college can refuse admission to such candidate with prior written approval of the Vice-Chancellor.

13. Option of the candidate in respect of admission to college.—(1) Each candidate may indicate five names of the Colleges in order of priority in his application form. If it is not possible to admit the candidate in the indicated colleges on the basis of merit list then the University shall be free to give him admission in some other college ;

(2) The merit list shall be prepared by each University as indicated in para 12 clearly indicating the marks obtained in admission Examination and extra marks obtained along with details of the items under para 11 ;

On the basis of merit list the University shall prepare the admission list of each college and shall communicate the same to the college. The University shall send intimation by registered post to every candidate whose name is included in the list so prepared.

(3) The merit list shall be published by the University in important newspapers having wide circulation ;

(4) The candidate should present and take admission in the college as indicated in the admission list within 21 days of the date of registration of the intimation in the post office by the University. After that date the candidate will have no claim for admission.

14. Admission.—(*a*) The principal of the concerned college shall give admission to the candidates after verifying their original certificates ;

(*b*) The provisional certificate specially for the marks under para 11 shall not be accepted ;

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(*c*) The principal has to take prior approval of the Vice-Chancellor before finally refusing admission to any candidate;

(*d*) The University shall also prepare a waiting list. If any seat falls vacant within a month after the classes have started it will be filled from waiting list. It shall be the responsibility of the University to intimate the college and the candidate to fill the vacant seats.

(*e*) Every candidate selected for admission shall have to furnish before admission a certificate countersigned by the Chief Medical Officer in which it should be clearly mentioned that the candidate does not stammer and on account of any disease of the ear, eye or any other limb is not unfit to be a teacher.

CHAPTER III

Admission to M.Ed. Classes

15. **Introductory.**—The provision of this Chapter shall apply for admission to a course of instruction in M.Ed. classes only in any college.

16. No person shall be admitted in any college unless he has passed an examination for the degree of B.Ed. conducted by a University established by law or an examination for the diploma of recognised B.T. or L.T.

17. Only those applications for admission to M.Ed. will be considered where the candidates, according to the statutes of the concerned University, fulfil all other qualifications except M.Ed., for appointment as a Lecturer in B.A. (Education) or in the B.Ed., department in the degree colleges of the State.

18. **Admission according to merit.**—Candidates shall be admitted strictly in order of merit on the basis of percentage of marks obtained in the B.Ed. or its equivalent other recognised examinations. Full marks obtained in the theory and fifty per cent marks obtained in the practical examination shall be considered in calculating the percentage.

Illustration.—If a candidate has secured 240 marks out of 500 in the theory and 140 marks out of 200 in the practical examination then for the sake of calculation, the full marks obtained by him will be 240+(140/2 or 70)=310 and his percentage will be 44.28 (310×100)/700.

19. **Application of Orders of Chapter-II.**—The provisions of paras 4, 5, 6, 11, 12, 13, 14 and *mutatis mutandis* apply to admission under this Chapter also.

[152] **English translation of Khadya Tatha Rasad Anubhag-10, Noti. No. CP-72/XXIX-10-CP. (8)-87, dated August 31, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 31st August, 1987, pp 6-11** [P]

In exercise of the powers under sub-section (2) of Section 30 of the **Consumers Protection Act, 1986** (Act No. 68 of 1986), the Governor is pleased to make the following Rules namely:—

1. **Short title and commencement.**—These rules may be called the **Uttar Pradesh Consumers Protection Rules, 1987.**

(2) They shall come into force on the date of their publication in the Official Gazette.

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2. **Definitions**.—In these rules, unless the context otherwise requires:

(*a*) "Act" means the Consumer Protection Act, 1986 (68 of 1986);

(*b*) "agent" means a person duly authorised by a party to present any complaint or appeal or reply on its behalf before the State Commission or the District Forum;

(*c*) "appellant" means a party which makes an appeal against the order of the District Forum;

(*d*) "memorandum" means memorandum of appeal filed by the appellant;

(*e*) "opposite party" means a person who answers complaint or claim;

(*f*) "president" means the President of the State Commission or District Forum as the case may be;

(*g*) "respondent" means the person who answers any memorandum of appeal;

(*h*) "State" includes union territories.

3. **Salaries and other allowances and terms and conditions of the president and members of the District Forum [Section 10(3)]**.—(1) The president of the District Forum shall receive the salary of the Judge of a District Court if appointed on wholetime basis or an honorarium of Rs. 150 per day if appointed on part-time basis. Other members if sitting on whole time basis, shall receive a consolidated honorarium of Rs. 2,000 per month and if sitting on part time basis, a consolidated honorarium of Rs. 100 per day for the sitting.

(2) The president and the members of the District Forum shall be entitled for such travelling allowance and daily allowance on official tour as are admissible to Grade I officers of the State Government.

(3) The salary, honorarium and other allowances shall be defrayed out of the Consolidated Fund of the State Government.

(4) Before appointment, the president and members of the District Forum shall have to take an undertaking that he does not and will not have any such financial or other interests as is likely to affect prejudicially his functions as a member.

(5) In addition to provisions of Section 10(2), State Government may remove from the office, the president and member of a District Forum who—

(*a*) Has been adjudged an insolvent; or

(*b*) has been convicted of an offence which in the opinion of the State Government, involved moral turpitude; or

(*c*) has become physically or mentally incapable of acting as such member; or

(*d*) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member; or

(*e*) has so abused his position as to render his continuance in office prejudicial to the public interest:

Provided that the president or member shall not be removed from his office on the ground specified in clauses (*d*) and (*e*) of the sub-rule (5) except

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on an inquiry held by State Government in accordance with such procedure as it may specify in this behalf and finds the member to be guilty of such ground.

(6) The terms and conditions of the service of the president and the members of the District Forum shall not be varied to their disadvantage during their tenure of office.

(7) Where any vacancy occurs in the office of the president of the District Forum, the seniormost (in order of appointment) member of District Forum, holding office for the time being, shall discharge the functions of the president until a person appointed to fill such vacancy assumes the office of the president of the District Forum.

(8) When the president of the District Forum is unable to discharge the functions owing to absence, illness or any other cause, the seniormost (in order to the appointment) member of the District Forum shall discharge the functions of the president until the day on which the president resumes the charge of his functions.

(9) The president or any member ceasing to hold office as such shall not hold any appointment in or be connected with the management or administration of an organisation which have been the subject of any proceeding under the Act during his tenure for a period of 5 years from the date on which he ceases to hold such office.

4. Place of sitting and other matters relating to District Forum [Section 14(3)].—(1) The office of the District Forum shall be located at the headquarter of the District. Where State Government decides to establish a single District Forum having jurisdiction over more than one district it shall notify the place and jurisdiction of the District Forum so established.

(2) The working days and the office hours of the District Forum shall be the same as that of the State Government.

(3) The official seal and emblem of the District Forum shall be such as the State Government may specify.

(4) Sitting of the District Forum, as and when necessary, shall be convened by the president.

(5) No act or proceedings of the District Forum shall be invalid by reason only of the existence of any vacancy among its members or any defect in its constitution.

(6) State Government shall appoint such staff, as may be necessary to assist the District Forum in its day to day work and perform such other functions as are provided under these rules, or assigned to it by the president. The salary payable to such staff shall be defrayed out of the Consolidated Fund of the State Government.

(7) Where the opposite party admits the allegation made by the complainant, the District Forum shall decide the complaint on the basis of the merit of the case and the document present before it.

(8) If during the proceedings conducted under Section 13, District Forum fixes a date for hearing of the parties, it shall be obligatory on the

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complainant and opposite party or its authorised agent to appear before the District Forum on such date of hearing or any other date to which hearing could be adjourned. Where the complainant or his authorised agent fails to appear before the District Forum on such day, the District Forum may in its discretion either dismiss the complaint for default or decide it on merit. Where the opposite party or its authorised agent fails to appear on the day of hearing, the District Forum may decide the complaint *ex parte*.

(9) While proceeding under sub-rule (8), the District Forum may, on such terms as it may think fit and at any stage, adjourn the hearing of the complaint but not more than one adjournment shall ordinarily be given and the complaint should be decided within 90 days from the date of notice received by the opposite party where complaint does not require analysis or testing of the goods and within 150 days if it requires analysis or testing of the goods.

(10) Orders of the District Forum shall be signed and dated by the members of the District Forum constituting the Bench and shall be communicated to the parties free of charge.

5. Procedure to be adopted by the District Forum for analysis and testing of the goods [Section 13(1)(c)].—(1) Under Section 13(1)(*c*), if considered necessary, the District Forum may direct the complainant to provide more than one sample of the goods in clean containers with stopper properly fixed on them.

(2) On receiving the sample of such goods, the District Forum shall seal it and fix labels on the containers carrying following information—

(*i*) name and address of the appropriate laboratory to whom sample will be sent for analysis and test ;

(*ii*) name and address of the District Forum ;

(*iii*) case number ;

(*iv*) seal of the District Forum.

(3) The sample will be sent to the appropriate laboratory by the District Forum for sending report within 45 days or within such extended time as may be granted by the District Forum after specifying the nature of the defect alleged and date of submission of the report.

6. Salary and other allowances and terms and conditions of the president and members of the State Commission [Section 16(2)].—(1) President of the State Commission shall receive the salary of the Judge of the High Court if appointed on whole-time basis or a consolidated honorarium of Rs. 200 per day for the sitting if appointed on part-time basis. Other members, if sitting on whole-time basis, shall receive a consolidated honorarium of Rs. 3,000 per month and if sitting on part-time basis, a consolidated honorarium of Rs. 150 per day of sitting.

(2) The president and the members of the State Commission shall be eligible for such travelling allowance and daily allowance on official tour as are admissible to Grade-I Officer of the State Government.

(3) The salary, honorarium, other allowances shall be defrayed out of the Consolidated Fund of the State Government.

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(4) President and the member of the State Commission shall hold office for a term of five years or up to the age of 65 years whichever is earlier and shall not be eligible for renomination :

Provided that president and member may :—

(*a*) by writing under his hand and addressed to the State Government resign his office any time ;

(*b*) be removed from his office in accordance with provisions of sub-rule (5).

(5) The State Government may remove from office, president or a member of the State Commission who—

(*a*) has been adjudged an insolvent, or

(*b*) has been convicted of an offence which in the opinion of the State Government, involves moral turpitude, or

(*c*) has become physically or mentally incapable of acting as such member, or

(*d*) has acquired such financial or other interest as is likely to affect prejudicially his function as a member, or

(*e*) has so abused his position as to render his continuance in office prejudicial to the public interest :

Provided that the president or a member shall not be removed from his office on the ground specified in clauses (*d*) and (*e*) of sub-rule (5) except on an inquiry held by State Government in accordance with such procedure as it may specify in this behalf and finds the member to be guilty of such ground.

(6) Before appointment, president and a member of the State Commission shall have to take an undertaking that he does not and will not have any such financial or other interests as is likely to affect prejudicially his functions as such member.

(7) The terms and conditions of the service of the president and the members of the State Commission shall not be varied to their disadvantage during their tenure of office.

(8) Every vacancy caused by resignation and removal of the president or any other member of the State Commission under sub-rule (4) or otherwise shall be filled by fresh appointment.

(9) Where any such vacancy occurs in the office of the president of the State Commission, the seniormost (in order of appointment) member, holding office for the time being, shall discharge the functions of the president until a person appointed to fill such vacancy assumes the office of the president of the State Commission.

(10) When the president of the State Commission is unable to discharge the functions owing to absence, illness or any other cause, the seniormost (in order to the appointment) member of the State Commission shall discharge the functions of the president until the day on which the president resumes the charge of his functions.

(11) The president or any member ceasing to hold office as such shall

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not hold any appointment in or be connected with the management or administrations of an organisation which have been the subject of any proceeding under the Act during his tenure for a period of 5 years from the date on which he ceases to hold such office.

7. Place of sitting and other matters relating to State Commission [Section 14(3) read with Section 18].—(1) Office of the State Commission shall be located at the capital of the State.

(2) The working days and the office hours of the State Commission shall be the same as that of the State Government.

(3) The official seal and emblem of the State Commission shall be such as the State Government may specify.

(4) Sitting of the State Commission, as and when necessary, shall be convened by the president.

(5) No act or proceedings of the State Commission shall be invalid by reasons only of the existence of any vacancy among its members or any defect in its constitution thereof.

(6) State Government shall appoint such staff, as may be necessary to assist the State Commission in its work and perform such other functions as are provided under these rules or assigned to it by the president. The salary payable to such staff shall be defrayed out of the Consolidated Fund of the State Government.

(7) Where the opposite party admits the allegation made by the complainant, the State Commission shall decide the complaint on the basis of the merit of the case and documents present before it.

(8) If during the proceedings conducted under Section 13, State Commission fixes a date for hearing of the parties. It shall be obligatory on the complainant and opposite party or his authorised agent to appear before the State Commission on such date of hearing or any other date to which hearing could be adjourned. Where the complainant or his authorised agent fails to appear before the State Commission on such day, the State Commission may in its discretion either dismiss the complaint for default or decide it on merits where the opposite party or its authorised agent fails to appear on the day of hearing, the State Commission may decide the complaint *ex parte*.

(9) While proceedings under sub-rule (8) the State Commission may, on such terms as it may think fit and at any state, adjourn the hearing of the complaint but not more than one adjournment shall ordinarily be given and the complaint should be decided within 90 days from the date of notice received by the opposite party where complaint does not require analysis or testing of the goods and within 150 days if it requires analysis or testing of the goods.

(10) Orders of the State Commission shall be signed and dated by the members of the State Commission constituting the Bench and shall be communicated to the parties free of charge.

8. Procedure for hearing appeal (Section 15).—(1) Memorandum shall be presented by the appellant or his authorised agent to the State

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Commission in person or sent by registered post addressed to the Commission.

(2) Every memorandum filed under sub-rule (1) shall be in legible handwriting preferably typed and shall set forth concisely under distinct heads, the grounds of appeal without any argument or narrative and such ground shall be numbered consecutively.

(3) Each memorandum shall be accompanied by the certified copy of the order of the District Forum appealed against and such of the documents as may be required to support grounds of objection mentioned in the memorandum.

(4) When the appeal is presented after the expiry of period of limitation as specified in the Act, memorandum shall be accompanied by an application supported by an affidavit setting forth the fact on which appellant relies to satisfy the State Commission that he has sufficient cause for not preferring the appeal within the period of limitation.

(5) The appellant shall submit four copies of the memorandum to the State Commission for official purposes.

(6) On the date of hearing or any other day to which hearing may be adjourned, it shall be obligatory for the parties or their authorised agents to appear before the State Commission. If appellant or his authorised agent fails to appear on such date, the State Commission may, in its discretion, either dismiss the appeal or decide it on the merit of the case. If respondent or his authorised agents fails to appear on such date, the State Commission shall proceed *ex parte* and shall decide the appeal *ex parte* on merits of the case.

(7) The appellant shall not, except by leave of the State Commission, urge or be heard in support of any ground of objections not set forth in the memorandum but the State Commission, in deciding the appeal, shall not confine to the ground of objection set forth in the memorandum or taken by leave of the State Commission under this rule :

Provided that the Commission shall not rest its decision on any other ground unless the party who may be affected thereby, has been given, at least one opportunity of being heard by the State Commission.

(8) State Commission may, on such terms as it may think fit and at any stage, adjourn the hearing of appeal, but not more than one adjournment shall ordinarily be given and the appeal should be decided within 90 days from the first date of hearing.

(9) Order of the State Commission on appeal shall be signed and dated by the members of the State Commission constituting the Bench and shall be communicated to the parties free of charge.

[153] English translation of Khadya Tatha Rasad Anubhag-10, Noti. No. 1558/XXIX-10—139-72, dated November 25, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 25th November, 1987, p. 2

In exercise of the powers under Section 3 of the **Essential Commodities Act, 1955** (Act No. 10 of 1955) read with the Government of India, Ministry of Agriculture (Department of Food) Order No. G.S.R. No. 316(E), dated June 20, 1972 and Section 21 of the General Clauses Act, 1897 (Act

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No. 10 of 1897), the Governor is pleased to order the reinforcement of the Uttar Pradesh Food (Restrictions on Service of Meals by Catering Establishments) Order, 1974 with immediate effect.

[154] **English translation of Panchayati Raj Anubhag-1, Noti. No. 1661/XXXIII-1—30-G-86, dated May 7, 1988, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 7th May, 1988, p. 2**

In exercise of the powers conferred under Section 12-G of **U.P. Panchayat Raj Act, 1947** (U.P. Act 26 of 1947) and all other powers conferred in this behalf the Governor is pleased to order the reconstitution of all Gaon Panchayats in Uttar Pradesh and also to order that for the purpose of aforesaid reconstitution of Gaon Panchayats, general election be held for Pradhans of Gaon Sabhas and members of Gaon Panchayats.

[155] **English translation of Nyaya (Adhinastha Nyayalaya) Anubhag, Noti. No. 2425/VII-A.N.-703-85, dated June 1, 1988, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 1st June, 1988, p. 2**

In exercise of the powers under sub-section (1) of Section 3 of the **Family Courts Act, 1984**, the Governor, after consultation with the High Court of Judicature at Allahabad, hereby establishes for Gorakhpur, a Family Court with effect from the date on which the Judge of the said Court assumes charge and further directs under sub-section (2) of the aforesaid Section 3, that the whole district of Gorakhpur shall be the local limits of the area to which its jurisdiction shall extend.

[156] **English translation of Parivahan Anubhag-4, Noti. No. 2740-T/XXX-4-2-P-85, dated October 27, 1987, published in the U.P. Gazette, Extra., Part-4, Section (ka), dated 28th October, 1987, p. 2**

In exercise of the powers under Section 91 of the **Motor Vehicles Act, 1939** (Act No. IV of 1939) the Governor is pleased to make the following rules with a view to amending the U.P. Motor Vehicles Rules, 1940 after their previous publication in Government Notification No. 3443-T/XXX-4—86-2-P-85, dated September 30, 1986 published in the Uttar Pradesh Gazette Extraordinary dated September 30, 1986 as required under sub-section (1) of Section 133 of the said Act.

1. **Short title and commencement**.—(1) These rules may be called the **Uttar Pradesh Motor Vehicles (Forty Ninth Amendment) Rules, 1987**.

(2) They shall come into force with effect from the date of their publication in the Gazette.

2. **Substitution of Rule 214**.—In the U.P. Motor Vehicles Rules, 1940, for Rule 214 the following rule shall be *substituted*:

"214. *Restriction on driving with gear disengaged*.—Within the limit specified in the First Schedule to these Rules and elsewhere on any hill marked by traffic sign No. 10 Part B of the Ninth Schedule to the Act, no person shall drive a transport vehicle with the engine free that is to say with the gear lever in neutral the clutch lever depressed or with any free wheel or other device in operation which frees the engine from the driving wheels and prevents the engine from acting as a brake or in top gear when the vehicle is travelling down an incline."

[157] **English translation of Parivahan Anubhag-4, Noti. No. 1836-T/XXX-4-4-P-85, dated May 8, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 12th May, 1987, pp. 2-3**

In exercise of the powers under Sections 21, 41, 68, 70, 71 and 134 of the **Motor Vehicles Act, 1939** (Act IV of 1939) the Governor is pleased to make the following rules

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with a view to amending the U.P. Motor Vehicles Rules, 1940 after their previous publication in Government Notification No. 746-T/XXX-4—4—P-85, dated March 6, 1987 published in the Uttar Pradesh Gazette Extraordinary, dated March 13, 1987 as required under sub-section (1) of Section 133 of the said Act.

1. **Short title and commencement.**—(1) These Rules may be called the **Uttar Pradesh Motor Vehicles (Forty-Seventh Amendment) Rules, 1987.**

(2) They shall come into force with effect from the date of their publication in the Gazette.

2. **Amendment of Rule 3.**—In the U.P. Motor Vehicles Rules, 1940 for the existing Rule 3 the following rule shall be *substituted*, namely :

"3. *Licensing Authority.*—The licensing Authority shall be the Zonal Deputy Transport Commissioner, or the Regional Transport Officer or the Assistant Regional Transport Officer or such Regional Inspector or Assistant Regional Inspector of the Transport Department as is authorised by the Zonal Deputy Transport Commissioner or the Regional Transport Officer or the Assistant Regional Transport Officer to perform the duties of a licensing authority under these rules. Sub-Divisional Officers and the Tehsildars appointed respectively under Sections 18 and 17 of the U.P. Land Revenue Act, 1901 within the area of their jurisdictions shall also be the licensing authority for the purposes of issuing a learner's license under Rule 15.

Note.—The Zonal Deputy Transport Commissioner or Regional Transport Officer or Assistant Regional Transport Officer will be an Officer appointed as such by the Government to the headquarters of each zone or region or sub-region in the Transport Department and the Regional Inspector or Assistant Regional Inspector will be a Technical Inspector or Assistant Technical Inspector as the case may be appointed as such by the Transport Commissioner, Uttar Pradesh to each Region or sub-region."

[158] English translation of Khadya Tatha Rasad Anubhag-4, Noti. No. 2360/XXIX-Food-4—87, dated September 2, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 2nd September, 1987, p. 2

Whereas, the State Government is of opinion that it is necessary and expedient so to do for maintaining the supplies of rice and for securing its equitable distribution and availability at fair prices ;

Now, therefore, in exercise of the powers under Section 3 of the **Essential Commodities Act, 1955** (Act No. X of 1955) read with the Government of India, Ministry of Agriculture (Department of Food) Order No. GSR-800, dated June 9, 1978 and with the prior concurrence of the Central Government, the Governor is pleased to make the following Order, namely :—

1. **Short title, extent and commencement.**—(1) This order may be called the **Uttar Pradesh Rice and Paddy (Levy and Regulation of Trade) (Second Amendment) Order, 1987.**

(2) It extends to the whole of Uttar Pradesh.

(3) It shall come into force at once.

2. **Insertion of Clause 13.**—After Clause 12 of the Uttar Pradesh Rice and Paddy (Levy and Regulation of Trade) Order, 1985 as amended by the first amendment order, dated January 24, 1986, the following new

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Clause 13 shall be *inserted*, namely :

"13. *Restriction on export of paddy.*—(1) No person shall export out of Uttar Pradesh paddy without permission in writing of the Regional Food Controller, Deputy Regional Food Controller or Regional Marketing Officer.

(2) Nothing contained in sub-clause (1) shall apply to the export of paddy :—

(*i*) on Government account or by or in behalf of the Food Corporation of India ; or

(*ii*) under and in accordance with Military Credit Note ; or

(*iii*) from one part of Nepal to another through the interlying territory of Uttar Pradesh."

[159] **English translation of Parivahan Anubhag 4, Noti. No. 404-T/XXX-4—11-P-81, dated February 4, 1987, published in the U.P. Gazette, Extra., Part 4, Section (Kha), dated 7th February, 1987, pp. 3-5**

In exercise of the powers under Section 30 of **Uttar Pradesh Motor Gadi (Yatri-kar) Adhiniyam, 1962** (U.P. Act No. VIII of 1962) read with Section 21 of the Uttar Pradesh General Clauses Act, 1904 (U.P. Act No. 1 of 1904) the Governor is pleased to make the following rules with a view to amending the Uttar Pradesh Motor Gadi (Yatri-kar) Niyamawali, 1962 :

1. **Short title and commencement.**—(1) These rules may be called the **Uttar Pradesh Motor Gadi (Yatri-Kar) (Seventh Amendment) Rules, 1962.**

(2) They shall come into force with effect from the date of their publication in the Gazette.

2. **Insertion of Rule 15-A.**—In the Uttar Pradesh Motor Gadi (Yatri-Kar) Niyamawali, 1962, hereinafter referred to as the said Niyamawali after Rule 15, the following new Rule 15-A shall be *inserted*, namely :—

15-A. (1) *Cash relief to persons involved in accidents.*—In the event of accident of all such passenger buses which ply within the territory of Uttar Pradesh on the strength of permits issued by Regional Transport Authority or the State Transport Authority or countersigned permits and from which surcharge is realised under sub-section (3-A) of Section 3 of Uttar Pradesh Motor Gadi (Yatri-Kar) Adhiniyam, 1962 (U.P. Act No. VIII of 1962) for the purposes of providing relief to the persons involved in accident or their dependants, the amount of relief shall be made available to the dependants of the dead passengers or to the disabled passengers, or to the dependants of other dead or disabled persons, as the case may be, by the District Magistrate in whose district the accident takes place. The enquiry of the accident shall be completed by the District Magistrate within three days through the Sub-Divisional Officer or an officer equivalent to him in rank and the recommendations regarding allotment of the amount of relief shall be sent to the Transport Commissioner and the amount allotted by the Transport Commissioner shall be sanctioned, drawn and distributed by the District Magistrate to the concerned persons.

(2) In the event of a bus accident, the payment of the amount of relief to the disabled and dependants of dead passengers and dependants of other dead or disabled persons shall be made in accordance with the principles and the rates described in Appendix I to these rules.

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Explanation.—(1) Other disabled or dead persons in respect of a bus involved in accident mean those persons who were not travelling in the bus but, were disabled or dead as a result of bus accident.

(2) Dependant has the following meaning :—

(1) Wife or Husband (as the case may be) ;

(2) Son or unmarried daughter or daughters ;

(3) Brother or unmarried sisters ;

(4) Father or Mother ;

(5) Heir of the concerned person according to personal law.

(3) The concerned District Magistrate shall send to the Transport Commissioner by the 15th day of each succeeding month a statement of the accidents taken place in a month and the Transport Commissioner shall send consolidated information to the Government by the 25th day of every month.

(4) Any employee connected with the relief work may get an honoraria at the rate sanctioned by the Government from time to time if he completes distribution of the amount of relief earlier than the prescribed period provided the number of persons dead or wounded as a result of bus accident exceeds 25.

3. **Insertion of Appendix I.**—In the said Niyamawali at the end after Rule 19, the following Appendix I shall be *inserted*, namely :—

APPENDIX I

[*See* Rule 15-A(2)]

The amount of relief payable to the disabled and dependants of dead passengers, and dependants of other dead or disabled persons.

		Amount Rs.
1.	Death of a passenger	20,000
2.	Death of another person	5,000
3.	Death of a passenger below 12 years	10,000
4.	Death of another person below 12 years	2,500
5.	The amount of relief payble to the disabled passenger and other disabled persons shall be as follows :—	

		Percentage of payable capital sum
(*i*)	Permanent total disablement preventing from attendance to employment, occupation or business of any kind whatsoever	100
(*ii*)	Loss of two limbs	100
(*iii*)	Total loss of sight of both eyes	100
(*iv*)	Loss of one leg above ankle	50

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(*v*)	Loss of toes—all—	
	Great, both phalanges	20
	Great one phalanx	5
	Other than great	2
	If more than the toe lost	1
(*vi*)	Loss of one eye each	50
(*vii*)	Loss of hearing both ears	50
(*viii*)	Loss of one ear	15
(*ix*)	Loss of one arm at or above right wrist	50
(*x*)	Loss of four fingers and thumb of one hand ..	42
(*xi*)	Loss of thumb both phalanges one phalanx ..	10
(*xii*)	Loss of four fingers	35
(*xiii*)	Loss of Index fingers –	
	Three phalanges	10
	Two phalanges	6
	One phalanx	4
(*xiv*)	Loss of middle finger—	
	Three phalanges	6
	Two phalanges	4
	One phalanx	2
(*xv*)	Loss of ring finger—	
	Three phalanges	5
	Two phalanges	4
	One phalanx	2
(*xvi*)	Loss of little finger—	
	Three phalanges	4
	Two phalanges	3
	One phalanx	2
(*xvii*)	Loss of metacarpus first or second (additional) third, fourth or fifth (additional)	2

[160] English translation of Parivahan Anubhag-4, Noti. No. 1607-T/XXX-4—6-P-79, dated May 8, 1987 published in the U.P. Gazette, Extra., Part-4, Section (kha) dated 12th May, 1987, pp. 4-5

In exercise of the powers under Sections 41 and 68 of the **Motor Vehicles Act, 1939** (Act No. IV of 1939), the Governor is pleased to make the following rules after their previous publication with Government Notification No. 336-T/XXX-4—6-P-79—CA-4-1939-Rules-1940-AM(40)-1985, dated October 14, 1986 as required under sub-section (1) of Section 133 of the said Act.

1. Short title and commencement.—(1) These rules may be called the **Uttar Pradesh Motor Vehicles (Forty-sixth Amendment) Rules, 1987.**

(2) They shall come into force with effect from the date of their publication in the Gazette.

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2. Amendment of Second Schedule prescribed under Rule 25(a).— In the U.P. Motor Vehicles Rules, 1940, in the Second Schedule, prescribed under Rule 25(*a*), for the entries in respect of Agra, Allahabad, Basti, Bijnor, Bahraich, Deoria, Ghaziabad, Jaunpur, Kanpur Nagar and Kanpur Dehat, Lucknow, Mirzapur, Naini Tal, Pilibhit, Pratapgarh and Sultanpur, Districts, the following entries shall be *substituted*, namely :—

"Name of district	Registration Mark	
1	2	
Agra ..	UPA	1 to 9999
	UPU	1001 to 9999
	USA	2001 to 9999
	UTR	1 to 9999
	URC	1 to 9999
	URT	1 to 9999
	UHL	1 to 9999
	UHM	1 to 9999
	UGS	1 to 9999
Allahabad ..	UPC	1 to 9999
	UPZ	1001 to 9999
	UTB	1 to 9999
	UTY	1 to 9999
	URG	1 to 9999
	URS	1 to 9999
	UHV	1 to 9999
	UGH	1 to 9999
	UGV	1 to 9999
Basti ..	UPK	1 to 9999
	UGN	1 to 9999
Bijnor ..	UPN	1 to 9999
	UHA	5001 to 9999
	UGQ	1 to 5000
Bahraich ..	UPF	1 to 2000
	URE	3001 to 5000
	UGH	1 to 5000
Deoria ..	UPQ	1 to 9999
	URX	5001 to 9999
	UGM	5001 to 9999
Ghaziabad ..	URP	1 to 9999
	UGU	1 to 9999
Jaunpur ..	USF	1 to 2000
	UTO	1 to 9999
	UGT	5001 to 9999
Kanpur Shahar and Kanpur Dehat ..	UPR	1 to 9999
	UPI	1 to 9999
	USF	2001 to 9999
	UPG	2001 to 9999
	UTE	1 to 9999
	UTW	1 to 9999
	UTZ	4001 to 9999
	URD	1 to 9999
	URK	1 to 9999
	URQ	1 to 9999
	UHH	1 to 9999
	UHI	1 to 9999
	UHJ	1 to 9999
	UGR	1 to 9999
Lucknow ..	USJ	1 to 9999
	USQ	1000 to 9999
	UPD	1000 to 9999
	UPH	2001 to 9999
	USS	2001 to 9999
	UTD	1 to 9999
	UTT	1 to 9999
	UTC	2001 to 9999
	URA	1 to 9999
	URL	1 to 9999
	URU	1 to 9999
	UHE	1 to 9999
	UHF	1 to 9999
	UHG	1 to 9999
	UGI	1 to 9999
	UGO	1 to 9999
Mirzapur ..	USM	1 to 9999
	UHA	1 to 5000
	UGO	5001 to 9999
Naini Tal ..	USR	1 to 9999
	UTF	1 to 9999
	URN	1 to 9999
	UGP	1 to 5000
Pilibhit ..	UST	1 to 2000
	UPE	2001 to 9999
	UGT	1 to 5000
Pratapgarh ..	USS	1 to 2000
	UTQ	5001 to 9999
	UGP	5001 to 9999
Sultanpur ..	USY	1 to 3000
	URE	1 to 3000
	UGK	5001 to 9999"

[161] English translation of Parivahan Anubhag 4, Noti. No. 866-T/XXX-4—12-P-82, dated March 10, 1987, published in the U.P. Gazette, Extra., Part-4, Section (Kha), dated 13th March, 1987, p. 2

In exercise of the powers under clause (*b*) of sub-section (2) of Section 41 and Section 68 of the **Motor Vehicles Act, 1939** (Act No. IV of 1939), the Governor is pleased to make the following rules with a view to amending the U.P. Motor Vehicles Rules, 1940,

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after their previous publication in Government Notification No. 4286-T/XXX-4—12-P-82, dated October 23, 1986 published in the Uttar Pradesh Gazette Extraordinary, dated October 23, 1986, as required under sub-section (1) of Section 133 of the said Act.

1. **Short title and commencement.**—(1) These rules may be called the **Uttar Pradesh Motor Vehicles (Forty-third Amendment) Rules, 1986.**

(2) They shall come into force with effect from the date of their publication in the Official Gazette.

2. **Amendment of Rule 44-A.**—In the U.P. Motor Vehicle Rules, 1940 (hereinafter referred to as the said rules) after clause (*f*) of Rule 44-A the following clause shall be *inserted*, namely :

"(*ff*) To its Secretary powers to issue special permit under sub-section (6) of Section 63 of the Act."

3. **Amendment of Rule 168-A.** - In the said rules, in Rule 168-A, for sub-rule (1) the following sub-rule shall be *substituted*, namely :—

(1) Every private stage carriage shall be produced for such test or inspection or both, at such time and on such date as may be directed by the registering authority by serving a notice upon the owner of the vehicle. In the absence of such notice, the vehicle shall be produced for inspection before the said officer at least once in six months."

[162] English translation of Parivahan Anubhag-4, Noti. No. 1775-T/XXX-4—87-25 KM-77, dated April 25, 1987, published in the U.P. Gazette, Extra., Part-4, Section (ka), dated 28th April, 1987, p. 2

In exercise of the powers under clause (*i*) of sub-section (2) of Section 91 of the **Motor Vehicles Act, 1939** (Act No. IV of 1939), the Governor is pleased to make the following rules, after their previous publication in Government Notification No. 953-T/-XXX-4—25KM-77, dated March 6, 1987, published in the Uttar Pradesh Gazette, Extraordinary, dated March 14, 1987, as required under sub-section (*i*) of Section 133 of the said Act.

1. **Short title, extent and commencement.**—(1) These rules may be called the **U.P. Motor Vehicles (Forty-Fifth Amendment) Rules, 1987.**

(2) They shall extend to the whole of Uttar Pradesh.

(3) They shall come into force with effect from the date of their publication in the Gazette.

2. **Insertion of Rule 195-A.**—In the U.P. Motor Vehicles Rules, 1940, after Rule 195, the following new rule shall be *inserted*, as Rule 195-A namely :—

"195-A (1) No person (other than Sikhs wearing turban and children not more than five years of age) shall drive or be carried on a motor-cycle, a scooter or a moped in a public place in Uttar Pradesh without wearing crash helmet of the specifications prescribed by the is Institution is now Bureau of Indian Standards :

Provided that a period of three months, effective from the date of publication of this notification in the Gazette shall be allowed to a motor-cycle, a scooter or a moped driver or the person so carried to obtain the crash helmet.

(2) The crash helmet required under sub-rule (I) shall be securely fastened to the head of the wearer by means of the straps or other fastenings provided on the helmet."

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[163] **English translation of Vitta (Sewain) Anubhag-2, Noti. No. Audit-345(1)/X—1987-605(22)-87, dated February 1, 1988, published in the U.P. Gazette, Part 1, dated 7th May, 1988, p. 1027**

In exercise of the powers under sub-section (1) of Section 61 of the **Chit Funds Act, 1982** (Act No. 40 of 1982), the Governor is pleased to appoint the Registrar, every Deputy Registrar and Assistant Registrar of the Firms, Societies and Chits in Uttar Pradesh as the Registrar the Deputy Registrar and the Assistant Registrar of Chits respectively for the purposes of discharging the duties imposed upon the Registrar by or under the said Act.

[164] **English translation of Vitta (Sewain) Anubhag-2, Noti. No. Audit-345 (III)/X—1988-605(22)-87, dated February 1, 1988, published in the U.P. Gazette, Part 1, dated 7th May, 1988, p. 1027**

In exercise of the powers under sub-sections (1) and (2) of Section 74 of the **Chit Funds Act, 1982** (No. 40 of 1982), the Governor is pleased to empower all the Commissioners of the Divisions of Uttar Pradesh within their respective jurisdictions to hear appeals filed against the decisions of the Registrar under sub-sections (1) and (2) of Section 74 of the said Act.

[165] **English translation of Vitta (Samanya), Noti. No. Sa.-4-G.I.-74/X-87—59-81, dated December 31, 1981, published in the U.P. Gazette, Part 1, dated 7th May, 1988, p. 1030**

In accordance with the provisions of Rule 11(1) of the **General Provident Fund (U.P.) Rules, 1985** Rule 11(1) of the **Contributory Provident Fund (U.P.) Rules** and Rule 9 of the **U.P. Contributory Provident Fund Pension Insurance Rules, 1948**, the Governor is pleased to announce that the rate of interest on deposits and also on the balance at the credit of the subscribers to General Provident Fund (U.P.), Contributory Provident Fund (U.P.) and the U.P. Contributory Provident Pension Insurance-Fund shall be 12 per cent (twelve per cent) per annum during the financial year 1987-88 on all accounts. This rate shall be in force during the financial year beginning on April 1, 1987.

2. The Governor is also pleased to announce deletion of the provision made in paragraph 2 of this department Notification No. Sa.-4-G.I.-28/X-86—59-81, dated July 5, 1986, requiring deduction of 1 per cent of the amount finally withdrawn from the interest creditable to the account of the subscriber from 1st April, 1986.

[166] **English translation of Van Anubhag-2, Noti. No. 604(1)/XIV-2—259-76, dated February 24, 1988, published in the U.P. Gazette, Extra., Part-II, Section (kha), dated 24th February, 1988, p. 2**

In continuation of Government Notification No. 604 (1)/XIV-2—259-1976, dated February 24, 1988, the Governor is pleased to fix for the year beginning on the first day of January, 1988 the collection charges payable to the persons engaged for collection of tendu leaves from Government forest and land vested in Gaon Sabha or other local autority in all units as Rupees 80.00 (Rupees Eighty only) per standard bag.

[167] **English translation of Vitta (Stamp and Registration) Anubhag, Noti. No. S.R.-1231/X-500(64)-80, dated May 5, 1988, published in the U.P. Gazette, Extra., Part-4, Section (ka), dated 5th May, 1988, p. 2**

In exercise of the powers under clause (*a*) of sub-section (1) of Section 9 of the **Indian Stamp Act, 1899** (Act No. II of 1899) read with Section 21

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of the General Clauses Act, 1897 (Act No. X of 1897), the Governor, in partial modification of Government Order No. SR-5685/X-500(64)-80, dated December 14, 1981 is pleased to remit stamp duty chargeable on the instruments of conveyance executed in favour of Army Welfare Housing Organisation in connection with the purchase of land by them at Agra, Allahabad, Dehradun, Ghaziabad, Lucknow, and Noida (district Ghaziabad) till December 31, 1988.

[168] **English translation of Vitta (Bikri-kar) Anubhag-2, Noti. No. S.T.-2—2291/X-7(42)/87—U.P. Act-XV—48—Order-88, dated June 30, 1988, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 30th June, 1988, p. 2**

In exercise of the powers under clause (*a*) of Section 4 of the **Uttar Pradesh Sales Tax Act, 1948** (U.P. Act No. XV of 1948), the Governor is pleased to exempt, with effect from July 1, 1988, the sale of Reed Pens used for writing, commonly known as pens of *Narkul*, *Sarkanda* or *Kilak*, and *Manjha*, thread used for flying kites from payment of tax under the said Act.

[169] **English translation of Avas Anubhag-3, Noti. No. 432(3)/XXXVII-3—87-52-N.K.V.-78, dated April 24, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 24th April, 1988, p. 2**

In exercise of the powers under clause (*g*) of Section 2 of the **Uttar Pradesh (Regulation of Building Operations) Act, 1958** (U.P. Act No. 34 of 1958) read with Section 21 of the Uttar Pradesh General Clauses Act, 1904 (U.P. Act No. I of 1904) and in supersession of Notification No. 1147(3)/XXXVII-3—52-NKV-78, dated August 28, 1978, the Governor is pleased to appoint the Sub-Divisional Magistrate, Natuanwa, district Gorakhpur as the 'Prescribed Authority' in respect of Regulated Area Nautanwa declared as such under Government Notification No. 1147/XXXVII-3—52-NKV-78, dated August 28, 1978, with effect from the date of publication of the notification in the Gazette.

[170] **English translation of Nagar Vikas Anubhag-2, Noti. No. 998/IX-2—87-3(21)-WSR/86, dated March 31, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 31st March, 1987, p. 2**

In pursuance of the provisions of sub-section (2) of Section 135 of the **U.P. Municipality Act, 1916** (U.P. Act No. II of 1916) read with Section 21 of the Uttar Pradesh General Clauses Act, 1904 (U.P. Act No. I of 1904) and in supersession of Notification No. 7404-S/IX-B—348-55, dated December 14, 1956, it is hereby notified that the Municipal Board, Saharanpur in exercise of the powers under clause (X) of sub-section (1) of Section 128 of said Act of 1916 has imposed a water tax, as specified below, on annual value of lands or buildings or both within the limits of Saharanpur Municipality with effect from April 1, 1987.

Description of Tax

A water tax on the annual value of buildings and lands will be levied at Rs. 12 per cent per annum.

2. The following buildings and lands shall be exempted from the payment of water tax:

(*a*) All buildings and lands whose annual value is Rs. 360 or below;

(*b*) Building or part of a building devoted exclusively for public worship, graveyard, Mazar, orphanage, gaushala, dharamshalas,

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parao, registered public library. But they will be charged at the prescribed rates on the actual consumption of water if connection is taken;

(*c*) All building, house and landed property owned by the Municipality.

Note.—Only the dharamshalas which are exclusively used for public purposes, will be exempted and not the other dharamshalas.

[171] English translation of Parivahan Anubhag-4, Noti. No. 3037—T/XXX-4-68 KM-85, dated July 12, 1988, published in the U.P. Gazette, Extra., Part-4, Section (ka), dated 13th July, 1988, pp. 3-4

In exercise of the powers under clause (*h*) of sub-section (2) of Section 70 of the **Motor Vehicles Act, 1939** (Act No. IV of 1939), the Governor is pleased to make the following rules with a view to amending the U.P. Motor Vehicles Rules, 1940 after their previous publication in Government Notification No. 2141-T/XXX—4-68 KM-85, dated April 30, 1988, published in the Uttar Pradesh Gazette, Extraordinary, dated April 30, 1988, as required under sub-section (1) of Section 133 of the said Act.

1. **Short title, extent and commencement**.—(1) These rules may be called the **U.P. Motor Vehicles (Fifty-Second Amendment) Rules, 1988**.

(2) They extend to the areas included for the time being in a Nagar Mahapalika constituted under the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959.

(3) They shall come into force after three months from the date of their publication in the Gazette.

2. **Insertion of Rule 124-A**.—In the U.P. Motor Vehicles Rules, 1940, after Rule 124, the following new rule shall be *inserted*, as Rule 124-A, namely:

"124-A. (1) For every motor vehicle powered by compression ignition (diesel) engine, smoke density shall not exceed the levels laid down in para 3.1 of the Indian Standard 8118-1976, namely:—

(*a*) For vehicles operating in Urban areas, the smoke density shall not exceed 65 Hartridge smoke units as measured by free acceleration method or 5.2 Bosch or 75 Hartridge smoke units as measured by full load method;

(*b*) For Vehicles operating in non-urban areas the smoke density shall not exceed 70 Hartridge smoke units as measured by free acceleration method or 5.5 Bosch or 80 Hartridge smoke units as measured by full load method;

(2) Vehicles powered by spark ignition engine (Otto-engine) shall comply with the emission standard for Carbon Mono-Oxide not exceeding 3 per cent by volume of exhaust gases during idling Vehicles which have completed 5 years of life or 80,000 kilometres distance, whichever is earlier shall comply with the emission standard of Carbon Mono-Oxide not exceeding 4.5 per cent by volume.

(3) The permissible emission levels for all other pollutants present in vehicular exhaust (like Hydro-Carbons, Oxides of Nitrogen etc.) shall be the same as that laid down by the State Board for the prevention and control of air pollution under Section 17(1)(*g*) of the Air (Prevention and Control of Pollution) Act, 1981 (Act No. 14 of 1981);

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(4) Test for smoke emission level and other pollutants (Carbon Mono-Oxide, Hydrocarbons, Oxide of Nitrogen etc.) level for motor vehicles—

(*a*) any officer not below the rank of Assistant Regional Transport Officer of Transport Department of the State of Uttar Pradesh, or any Deputy Superintendent of Police who has reason to believe that a motor Vehicle driven or used on Public place is, by virtue of the smoke omitted from it, or other pollutants (like Carbon Mono-Oxide, Hydrocarbons, Oxides of Nitrogen etc.) omitted from it, likely to cause environmental pollution endangering the health of safety of any other user of the public place or the public may direct the driver or any person incharge of the vehicles to undergo test to measure the standard of black smoke or the standard of any of the other pollutants;

(*b*) The driver or any person incharge of the vehicle shall upon demand by any officer under clause (*a*) to this sub-rule allow the vehicle to be tested for the purpose of measuring the standard of smoke or the levels of other pollutants or both;

(*c*) The measurement of standard of smoke shall be done with a smoke meter of a type approved by the State Government looking to its quality and efficiency. The measurement of other pollutants like Carbon Mono-Oxide, Hydrocarbons, Oxides of Nitrogen etc. shall be done with instruments of a type approved by the State Government looking to their quality and efficiency;

(*d*) The Officer conducting the test shall prepare a notice in duplicate indicating among other things, the reading of the meter, and/or the levels of pollutants, as the case may be, and direct the driver or owner incharge of the vehicles, to produce the vehicle for retest within a specified time not being later than 14 days with defects duly rectified;

(*e*) In the event of driver or owner incharge of a vehicle failing to produce the vehicle within the specified time for retest of the vehicle or a vehicle on retest showing level of smoke or other pollutants more than the permissible levels under these rules, the Registering Authority shall suspend the registration of the vehicle under Section 33 of the Motor Vehicles Act, 1939.

[172] **English translation of Khadya Tatha Rasad Anubhag-5, Noti. No. P. 1561/XXIX-Food-5-5(42)-80, dated May 7, 1988, published in the U.P. Gazette, Extra., Part-4, Section (ka), dated May 7, 1988, pp. 3-4** [L]

Whereas, the State Government is of opinion that it is necessary and expedient so to do for securing the equitable distribution and availability of foodgrains as fair prices;

Now, therefore, in exercise of the powers under Section 3 of the **Essential Commodities Act, 1955** (Act No. X of 1955), read with the Government of India, Ministry of Agriculture (Department of Food) Order No. GSR-800, dated June 9, 1978 and with the prior concurrence of the Central Government, the Governor is pleased to make the following order with a view to amending the Uttar Pradesh Foodgrains (Procurement and Regulation of Trade) Order, 1982:—

1. **Short title, extent and commencement.**—(1) This order may be called the **Uttar Pradesh Foodgrains (Procurement and Regulation of Trade) (Seventh Amendment) Order, 1988.**

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(2) Is extends to the whole of Uttar Pradesh.

(3) It shall come into force at once.

2. Amendment of Clause 2.—In Clause 2 of the Uttar Pradesh Foodgrains (Procurement and Regulation of Trade) Order, 1982 hereinafter referred to as the said order after sub-clause (1) the following sub-clause shall be *inserted*, namely :—

(*m*) 'Export' means to take or cause to be taken by any means whatsoever, out of any place within Uttar Pradesh to a place outside it ;

3. Amendment of Clause 4.—For existing Clause 4 of the said order the following clause shall be *substituted*, namely,—

4. *Stock limits for licensed traders and manufacturers.*—(1) No retailer, wholesaler, commission agent and manufacturer shall keep in his stock, at any one time foodgrains in excess of the limits specified below* :—

(1) Wheat		
	(*a*) Retailer	50 Quintals
	(*b*) Wholesaler	100 Quintals
	(*c*) Commission/Agent	100 Quintals
	(*d*) Manufacturer	A quantity corresponding to the 7 days manufacturing capacity.
(2) Other Foodgrains—as specified in Clause 11 of the Uttar Pradesh Foodgrains Dealers (Licensing and Restriction on Hoarding) Order, 1976 from time to time.		

(2) No retailer, wholesaler, commission agent *[and Manufacturer] shall purchase, sell or store for sale wheat each day in quantities exceeding the limits specified in sub-clause (1) for each of them.

(3) No wholesaler, Commission Agent shall despatch his wheat from any place other than the place of his business except in special circumstances and with the prior permission of the controller.

Explanation.—Quantities of wheat meant for despatch to outside the place of his business by wholesaler, commission agent kept at the premises of a transport/forwarding agency or at a railway station shall not be deemed to be included in his stock limit for so long as that quantity of wheat is not loaded for the place of destination in a truck or any other mode of transport of railway wagon.

4. Export of Wheat.—(A) No person shall export or attempt to export or abet the export of wheat except under and in accordance with a permit issued by the State Government or an officer authorised by the State Government in this behalf :

Provided that nothing contained in this clause shall apply to the export of wheat :

(*i*) Under in accordance with Military Credit Notes ; or

(*ii*) By or on behalf of the State Government or Central Government ; or

(*iii*) By or on behalf of Food Corporation of India ; or

(*iv*) By a bona fide traveller as part of his luggage in quantity not exceeding five kilograms in weight in the aggregate.

* On basis of Hindi version.

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[173] English translation of Rajaswa Anubhag-7, Noti. No. 118/4/LXXXVI-367-Rev. 7, dated June 1, 1988, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 1st June, 1988, p. 2

In exercise of the power under sub-section (1) of Section 11 of the **Revenue Recovery Act, 1890** (Act No. 1 of 1890) as amended in its application to Uttar Pradesh, the Governor is pleased to make the following Rules with a view to amending the Uttar Pradesh Revenue Recovery Rules, 1966.

1. Short title and commencement.—(1) These Rules may be called the **Uttar Pradesh Revenue Recovery (First Amendment) Rules, 1988.**

(2) They shall come into force from the date of their publication in the Gazette.

2. Amendment of Rule 8.—In Rule 8 of the Uttar Pradesh Revenue Recovery Rules, 1966, for the existing clause (*c*), the following clause shall be *substituted*;

"(C) in cases where the realisation has been actually made, the collection charges, if any, shall unless otherwise provided or exempted wholly or party be deducted from the amount recovered under the certificate subject to the Government orders issued in this behalf and deposited into the Government treasury under the relevant receipt head of the budget."

[174] English translation of Khadya Tatha Rasad Anubhag-5, Noti. No. P. 566/XXIX—Food-5—5(72)-79, dated April 5, 1988, published in the U.P. Gazette, Extra., Part-4, Section (ka), dated 5th April, 1988, pp. 2-3 [L]

In exercise of the powers under Section 3 of the **Essential Commodities Act, 1955** (Act No. 10 of 1955) read with the Government of India, Ministry of Agriculture (Department of Food) Order No. G.S.R. 800(E), dated June 9, 1978 the Governor is pleased to make the following order with a view to amending the Uttar Pradesh Pulses (Licensing and Storage Control) Order, 1979;

1. Short title, extent and commencement.—(1) This order may be called the **Uttar Pradesh Pulses (Licensing and Storage Control) (Third Amendment) Order, 1988.**

(2) It extends to the whole of Uttar Pradesh.

(3) It shall come into force at once.

2. Amendment of Clause 7.—In the Uttar Pradesh Pulses (Licensing and Storage Control) Order, 1979, in Clause 7 in sub-clause (1):

(*a*) for the existing table of stock limits, the following table of stock limit shall be *substituted*, namely:—

TABLE

Category of cities	Stock limits in quintals		
	Wholesaler	Retailer	Remarks
Category 'A' Cities	1000	50	All pulses taken together.
Category 'B' Cities	750	40	
Category 'C' Cities	500	30	

(*b*) the existing first proviso shall be *omitted*.

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[175] **English translation of Shram Anubhag-1, Noti. No. 2191(ST)/XXXVI-1—109(ST)-76, dated August 22, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 22nd August, 1987, p. 2**

In exercise of the powers under sub-section (1) of Section 7 of the **Equal Remuneration Act, 1976** (Act No. 25 of 1976) read with Section 21 of the General Clauses Act, 1897 (Act No. X of 1897) and in supersession of Government Notification No. 3562(ST)/XXXVI-1—109(ST)-76, dated August 13, 1976, the Governor is pleased to appoint all Labour/Conciliation Officers as authorities for the purpose of hearing and deciding complaints and claims under clauses (*a*) and (*b*) of the said sub-section. The aforesaid authorities shall exercise jurisdictions within the local limits of their respective regions.

[176] **English translation of Shram Anubhag-3, Noti. No. 125/XXXVI-3—17(F)-86, dated August 3, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 3rd August, 1987, p. 2**

In exercise of the powers under clause (V) of Rule 3 of **Uttar Pradesh Factories (Safety Officers) Rules, 1984** the Governor is pleased to recognise the diploma in Industrial safety granted by the Central Labour Institute, Bombay and Regional Labour Institutes, Madras, Calcutta and Kanpur.

[177] **English translation of Nagar Vikas Anubhag-2, Noti. No. 1533/IX-2—87-57(38)-1985, dated August 17, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 17th August, 1987, p. 2**

In exercise of the powers under clause (20) of Section 2 of the **Uttar Pradesh Water Supply and Sewerage Act, 1975** (U.P. Act No. 43 of 1975), the Governor is pleased to appoint the Civil Judges at Jhansi, Banda, Hamirpur, Jalaun, Lalitpur, Almora, Pauri, Dehra Dun and Naini Tal and the Chief Judicial Magistrates at Tehri, Uttar Kashi, Pithoragarh and Chamoli as prescribed authority to hear and dispose of the appeals under Section 54 of the said Act within their respective jurisdictions.

[178] **English translation of Shram Anubhag-1, Noti. No. 4367(ST)/XXXVI-1—109(ST)-76, dated August 22, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 22nd August, 1987, p. 2**

In exercise of the powers under sub-section (6) of Section 7 of the **Equal Remuneration Act, 1976** (Act No. 25 of 1976) read with Section 21 of the General Clauses Act, 1897 (Act No. X of 1897), and in supersession of Government Notification No. 3626(ST)/XXXVI-1—109(ST)-76, dated August 13, 1976, the Governor is pleased to appoint all Additional Deputy Labour Commissioners as the authority to whom an appeal may be preferred by any employer or worker aggrieved by any order made by an authority appointed under sub-section (1) of the said section. The aforesaid authorities shall exercise jurisdiction with the limits of their respective regions.

[179] **English translation of Shram Anubhag-3, Noti. No. 2109/XXXVI-3-23(F)-87, dated July 27, 1987, published in the U.P. Gazette, Extra., Part-IV, Section (kha), dated 27th July, 1987, pp. 2-3**

In exercise of the powers under Section 17 of the **Child Labour (Prohibition and Regulation) Act, 1986** (Act No. 61 of 1986) the Governor is pleased to appoint the Officers mentioned in Column 2 of the Schedule below as 'Inspectors' for the local limits noted against each in Column 3

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thereof for the purposes of securing compliance of the provisions of the said Act.

Schedule

Sl. No.	Officers	Local limits
1	Labour Commissioner, Uttar Pradesh, Kanpur	Whole of Uttar Pradesh
2	All the Additional Labour Commissioners posted in the office of the Labour Commissioner.	Ditto.
3	All the Deputy Labour Commissioner posted in the office of Labour Commissioner.	Ditto.
4	Officer at present holding the post designated as Chief Inspector of Factories in the relevant service Rules (The Uttar Pradesh Inspector of Boilers and Factories Service Rules, 1980) and which has been referred to in G.O. No. 4192/36-IV-427-79, dated May 14, 1984 as the Director of Factories.	Ditto.
5	All the Officers posted in the office of Director of Factories Uttar Pradesh, Kanpur and at present holding the post designated as Deputy Chief Inspector of Factories (Administration) Deputy Chief Inspector of Factories (Chemical), Deputy Chief Inspector of Factories (Engineering), and Inspector of Factories (Medical) in the relevant service rules (The Uttar Pradesh Inspector of Boilers and Factories Service Rules, 1980) and which has been referred to as Deputy Director of Factories (Administration), Deputy Director of Factories (Chemical), Deputy Director of Factories (Engineering) and Deputy Director of Factories (Medical) respectively in G.O. No. 4192/36-IV-427-79, dated May 14, 1984.	Ditto.
6	All the Officers posted in the regions at present holding the post of Deputy Chief Inspector of Factories (Administration) in the relevant service Rules (The Uttar Pradesh Inspector of Boilers and Factories Service Rules, 1980) and which has been referred to as Deputy Director of Factories (Administration) in G.O. No. 4192/36-IV-427-79, dated May 14, 1985.	Ditto.
7	All the Officers posted in the regions at present holding the post of Inspector of Factories in the relevant Service Rules (The Uttar Pradesh Inspector of Boilers and Factories Service Rules, 1980) and which has been referred to as Assistant Director of Factories in G.O. No. 4192/36-IV-427/79, dated May 14, 1984.	Ditto.
8	Deputy Chief Inspector, Shops and Commercial Establishments, Uttar Pradesh, Kanpur.	Ditto.
9	All the Labour/Conciliation Officers posted in the Office of the Labour Commissioner, Uttar Pradesh, Kanpur.	Ditto.
10	All the Labour Inspectors, Assistant Trade Unions Inspectors and Chief Investigator posted in the Office of the Labour Commissioner, Uttar Pradesh, Kanpur.	Ditto.
11	All the Additional/Deputy Labour Commissioners posted in the regions.	Local limits of their jurisdiction.
12	All the labour/Conciliation Officers posted in regions.	Ditto.
13	All the Labour Inspectors, Assistant Trade Union Inspector and Chief Inspector and Chief Investigator posted in the regions.	Ditto.

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[180] **English translation of Nagar Vikas Anubhag-5, Noti. No. 2353/XI-5—87-167 D.A.-87, dated August 1, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 1st August, 1987, p. 2**

In exercise of powers under sub-section (1) of Section 39 of the **Uttar Pradesh Urban Planning and Development Act, 1973** (President's Act No. 11 of 1973), as re-enacted by the Uttar Pradesh President's Act (Re-enactment with modifications) Act, 1974 (U.P. Act No. 30 of 1974) and in Partial Modification of Notification No. 1319/37-2—34 H.B.-75, dated May 31, 1977 and Notification No. 4580/37-2—32 D.A.-74, dated October 24, 1978 the Governor is pleased to order that the two per cent increased duty realised under sub-section (1) of Section 39 of the said Act shall, with effect from August 1, 1987 after deduction of incidental expenses, if any, be allocated and paid to the Development Authority concerned in respect of Development Area, Lucknow, Kanpur, Agra, Varanasi, Allahabad, Rae Bareli, Gorakhpur, Gaziabad, Mathura-Vindraban, Haridwar Mela, Bareilly, Meerut, Moradabad, Aligarh, Banda, Unnao-Suklaganj, Jhansi, Nainital, Mussoori-Dehradun and Ayodhya-Faizabad.

[181] **English translation of Parivahan Anubhag-4, Noti. No. 3423-T/XXX-4—87-KM-86, dated August 13, 1987, published in the U.P. Gazette, Extra., Part-4, Section (ka), dated 14th August, 1988, pp. 2-3**

In exercise of the powers under Sections 21, 41, 68, 70, 71 and 134 of the **Motor Vehicles Act, 1939** (Act No. IV of 1939), the Governor is pleased to make the following rules with a view to amending the U.P. Motor Vehicles Rules, 1940, after their previous publication in Government Notification No. 2751-T/XXX-4—87-KM-86, dated June 25, 1987, published in the Uttar Pradesh Gazette Extraordinary, dated June 26, 1987, as required under sub-section (1) of Section 133 of the said Act.

1. **Short title and commencement.**—(1) These rules may be called the **Uttar Pradesh Motor Vehicles (Forty-Eighth Amendment) Rules, 1987.**

(2) They shall come into force with effect from the date of their publication in the Gazette.

2. **Amendment of Rule 48.**—In Rule 48 of the U.P. Motor Vehicles Rules, 1940 for clause (*b*) the following clause shall be *substituted*, namely—

"(*b*) It shall be sufficient compliance with the provisions of sub-section (3) of Section 57 of the Act, if—

(*i*) the particulars specified in the said sub-section, are published in two Hindi daily newspapers having wide circulation throughout Uttar Pradesh not less than 15 days before the date appointed for the receipt of the representation;

(*ii*) the information regarding the publication of the particulars of the applications for permit:

(*A*) Made to the State Transport Authority, are published in at least one daily newspaper in the area of each Regional Transport Authority having wide circulation in it, and

(*B*) Made to a Regional Transport Authority are published in at least one daily newspaper having wide circulation in it;

(*iii*) the notice regarding information of publication of particulars of the applications for permit is exhibited on the notice board of the office of the Secretaries of the State Transport Authority and all the Regional Transport Authorities; and

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(*iv*) the copies of the newspapers referred to in sub-clause (*i*) are made available in the office of the Secretaries of the State Transport Authority and all the Regional Transport Authorities for inspection free of cost, during office hours on each working day."

[182] **English translation of Khadya Tatha Rasad Anubhag-4, Noti. No. 71/XXIX-Food—4-87, dated January 12, 1987, published in the U.P. Gazette, Extra., Part-4, Section (ka), dated 12th January, 1987, pp. 4-8**

In pursuance of the provision of Clauses 16 and 17 of the **Uttar Pradesh Rice and Paddy (Levy and Regulation of Trade) Order, 1985**, the Governor is pleased to notify the following prices and specification for different varieties of Paddy and Rice for 1986-87 season.

	Variety	Paddy (In Rs. per Qtl.)	Rice (In Rs. per Qtl.)
1.	Common	146	231.05
2.	Fine	150	237.00
3.	Superfine	154	248.40

Note.—Prices of rice are inclusive of Mandi Tax on Paddy and depreciation on Gunny used for packing paddy but exclusive of gunny charges for rice and purchase or sales tax levied after the ex-mill stage on rice. Above mentioned prices are subject to revision, if there is any change in the rate of mandi or any change in other statutory charges.

Specifications.—Uniform specifications for all varieties of paddy and rice for 1986-87 season will be as under :

UNIFORM SPECIFICATIONS OF ALL VARIETIES OF PADDY
(MARKETING SEASON 1986-87)

The paddy shall be in sound merchantable condition, sweet, dry, clean, wholesome of good value, uniform in colour and size of grain and free from moulds, weevils, smell, discolouration admixture of deleterious substances or colouring agents and also conforming to PFA Standards.

Paddy will be classified into superfine, fine and common groups (as per report of Balasubramanian Committee). For the purpose of procurement, each group will, however, be divided into two grades viz., Grade 1 and Grade 2 as per schedule.

(*A*) *Schedule of different refractions* (*Marketing Season 1986-87*)

Sl. No.	Constituents of admixture of impurities etc.	Maximum limits	
		Grade 1 per cent	Grade 2 per cent
1	*Foreign matter*——		
	(*a*) Inorganic	1.0	1.0
	(*b*) Organic	1.0	2.0
2	Damaged, discoloured, sprouted and weevilled grain ..	2.0	4.0
3	Immature, shrunken and shrivelled grain	2.0	4.0
4	Admixture of lower varieties	15.0	20.0
5	Moisture	18.0	18.0

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(*B*) *Grade Cut per Quintal*—

(*a*) Fine and Common	No cut	Rs. 2.00
(*b*) Superfine	No cut	Rs. 2.50

Notes.—(1) The definitions of the above refractions and methods, of analysis are to be followed as per ISI Methods of Analysis in Foodgrains No. IS : 4333 (Part-I), IS : 4333 (Part-II), 1967 and Terminology for Foodgrains No. IS : 2813—1970.

(2) The methods of sampling is to be followed as per Indian Standards Methods for sampling of Cereals and Pulses IS : 2814—1964.

UNIFORM SPECIFICATIONS OF FINE AND COMMON VARIETIES OF RICE

The rice shall be in sound, merchantable, condition, sweet, dry, clean, wholesome of good food value uniform in colour and size of grains and free from moulds, weevils, smell, discolouration, admixture of deleterious substances or colouring agents and all impurities except to the extent in the schedule below. It shall, also conform to PFA standards.

Schedule of Refractions (*Marketing Season 1986-87*)

Sl. No.	Constituents of admixture of impurities etc.	Tolerance limit (T.L.) per cent	Rejection limit (R.L.) per cent	Rate of quality cuts to be imposed for refractions exceeding tolerance limits
1	2	3	4	5
1	Brokens			
	Raw	20.0	25.0	T. L. to R. L. at the rate of 1/4 value.
	Par boiled	17.0	22.00	Ditto.
2	Foreign matter			
	Raw/Par boiled	0.5	1.0	T. L. to R. L. at the rate of full value.
3	Damaged/slightly damaged grains			
	Raw	2.0	5.0	T. L. to R. L. at the rate of 1/2 value.
	Par boiled	3.0	5.0	Ditto.
4	Discoloured grains			
	Raw	2.0	4.0	T. L. to R. L. at the rate of 1/4 value.
	Par boiled	4.0	8.0	Ditto.
5	Chalky grains			
	Raw	8.0	12.0	T. L. to R. L. at the rate of 1/8 value.
6	Red grains			
	Raw/par boiled	6.0	10.0	T. L. to R. L. at the rate of 1/4 value.
7	Admixture of lower classes *i.e.* common in fine			
	Raw/Par boiled	10.0	20.0	Over 10 per cent up to 20 per cent at the rate of 1/4th value. Down grade fine to common beyond R.L.
8	Dehusked grains			
	Raw/Par boiled	10.0	15.0	T. L. to R. L. at the rate of 1/8 value.
9	Moisture content			
	Raw/Par boiled	14.0	15.0	T. L. to R. L. at the rate of full value.

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Notes.—(1) The definition of the above refractions and method of analysis are to be followed as given in Indian Standard "Method of Analysis in Foodgrains" Nos. IS : 4333 (Part-I), 1967 and IS : 4333 (Part-II), 1967.

(2) The method of sampling is to be followed as given in Indian Standard "Method of sampling of cereals and pulses" No. IS : 2814—1964.

(3) Brokens less than 1/8th of the size of full kernel will be treated as organic foreign matter. The brokens of the size of 1/8th to 1/4th shall not exceed 5.0 per cent.

(4) Inorganic foreign matter shall not exceed 0.5 per cent in any lot, if it is more, the stocks should be cleaned and brought within the limit.

(5) In case of par boiled rice, prepared by pressure par boiling technique it will be ensured that correct process of parboiling is adopted *i.e.* pressure applied, the time for which pressure is applied proper gelatinisation, aeration and drying before milling are adequate so that the colour and cooking time of par boiled rice are good and free from encrustation of the grains.

Uniform Specifications of Superfine Rice

The rice shall be in sound merchantable conditions, sweet, dry, clean, wholesome of good food value, uniform in colour and size of grains and free from mouldes, weevils, smell, discolouration, admixture of deleterious substances or colouring agents and all impurities except to the extent in the Schedule below. It shall also conform to PFA standards.

Schedule of Refractions (Marketing Season 1986-87)

Sl. No.	Constituents of admixture or impurities etc.	Tolerance limit (TL) per cent	Rejection limit (RL) per cent	Rate of quality cuts to be imposed for refractions exceeding the tolerance limits
1	2	3	4	5
1	Brokens			
	Raw	18.0	23.0	T. L. to R. L. at the rate of 1/4 value.
	Par boiled	13.0	18.0	
2	Foreign matter			
	Raw/Par boiled	0.5	1.0	T. L. to R. L. at the rate of full value.
3	Damaged/slightly damaged grains			
	Raw/Par boiled	2.0	4.0	T. L. to R. L. at the rate of 1/2 value.
4	Discoloured grains—			
	Raw	2.0	3.0	T. L. to R. L. at the rate of 1/4 value.
	Par boiled	3.0	5.0	Ditto.
5	Chalky grains			
	Raw	4.0	8.0	T. L. to R. L. at the rate of 1/8th value.
6	Red grains			
	Raw/Par boiled	3.0	6.0	T. L. to R. L. at the rate of 1/4th value.
7	Admixture of lower classes			
	Raw/Par boiled	10.0	20.0	Over 10 per cent to 15 per cent at the rate of 1/4 value, over 15 per cent to 20 per cent at the rate of 1/2 value. Down grade beyond R. L.

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1	2	3	4	5
8	Dehusked grains Raw/Par boiled	10.0	15.0	T. L. to R. L. at the rate of 1/8th value.
9	Moisture content Raw/Par boiled	14.0	15.0	T. L. to R. L. at the rate of full value.

Note.—(1) The definition of the above refractions and method of analysis are to be followed as given in Indian Standard "Method of analysis in foodgrains" Nos. IS : 4333 (Part-I) 1967 and IS : 4333 (Part-II) 1967.

(2) The Method of sampling is to be followed as given in Indian Standard "Method of sampling of cereals and pulses" No. 2814—1964.

(3) Brokens less than 1/8th of the size of full kernels will be treated as organic foreign matter. The brokens of the size of 1/8th to 1/4th shall not exceed 5.0 per cent.

(4) Inorganic foreign matter shall not exceed 0.5 per cent in any lot of rice. If it is more, stock are to be cleaned and brought within the limit.

(5) In case of par boiled rice prepared by pressure parboiling technique, it will be ensured that correct process of parboiling is adopted *i.e.* pressure applied, the time for which pressure is applied, proper gelatinisation aeration and drying before milling are adequate so that the colour and cooking time of parboiled rice are good and free from encrustation of the rains.

[183] Sansadiya Karya Anubhag-1, Noti. No. 2211-S/XVII-1—87-102(S)-86, dated August 7, 1987, published in the U.P. Gazette, Extra., Part-4, Section (ka), dated 7th August, 1987, pp. 8-13

In pursuance of the provisions of clause (3) of Article 348 of the **Constitution**, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Vidhan Parishad Sachivalaya Notification No. 1723/V.P., dated July 28, 1987, publishing Uttar Pradesh Vidhan Parishad Sadasya (Dal Parivartan Ke Adhar Par Nirarhata) Niyamavali, 1987 :

LEGISLATIVE COUNCIL SECRETARIAT
UTTAR PRADESH

No. 1723/V.P.

Dated Lucknow, July 28, 1987

NOTIFICATION
Miscellaneous

The Members of Uttar Pradesh Legislative Council (Disqualification on Grounds of Defection) Rules, 1987, made by the Chairman, Legislative Council in exercise of the powers conferred by paragraph 8 of the Tenth Schedule to the Constitution of India, which were originally laid on the table of the Uttar Pradesh Legislative Council on September 2, 1986, and the specified period of thirty days for laying whereof on the table of the House has since been completed on June 26, 1987, are hereby published for general information with certain amendments made therein with the approval of the House on July 22, 1987 :—

The Members of Uttar Pradesh Legislative Council Disqualification on Ground of Defection) Rules, 1987

In exercise of the powers conferred by, paragraph 8 of the Tenth Schedule to the Constitution of India, the Chairman, Uttar Pradesh Legislative Council, hereby makes the following rules, namely :—

1. **Short title.**—These rules may be called the Members of Uttar Pradesh Legislative Council (Disqualification on Grounds of Defection) Rules, 1987.

2. **Definitions.**—In these rules, unless the context otherwise requires,—

(*a*) "Bulletin" means the Bulletin of the Uttar Pradesh Legislative Council ;

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(*b*) "Committee" means the Committee on Privileges of the House;

(*c*) "Form" means a form appended to these rules;

(*d*) "Date of commencement" or "commencement" in relation to these rules, means the date on which these rules take effect under sub-paragraph (2) of Paragraph 8 of the Tenth Schedule;

(*e*) "House" means the Uttar Pradesh Legislative Council;

(*f*) "Leader" in relation to a legislature part, means a member of the party chosen by such party as its leader and includes any other member of the party authorised in writing by the Party, to act, in the absence of the leader as, or to discharge the functions of, the leader of the party for the purposes of these rules;

(*g*) "Member" means a member of the House;

(*h*) "Tenth Schedule" means the Tenth Schedule of the Constitution of India;

(*i*) "Secretary" means the Secretary of the House and includes any person for the time being performing the duties of the Secretary.

3. Certain information to be furnished by leader of a legislature party.—(1) The leader of each legislature party, other than a legislature party consisting of only one member, shall within thirty days from the date of commencement of these rules, or, where such legislature party is formed after such date, within thirty days from the date of its formation, and in either case within such further period as the Chairman may for sufficient cause allow, furnish the following to the Chairman, namely:—

(*a*) a statement in writing in Form I containing the names of members and other particulars of such legislature party;

(*b*) names and designations of each such member of the legislature party who has been chosen as leader of that party or authorised for the purposes referred to in clause (*f*) of Rule 2, to act, as or to discharge the function of, such leader;

(*c*) names and designations of such members of the legislature party who have been authorised for the purposes of these rules to correspond with the Chairman;

(*d*) a copy each of the constitution and rules (by whatever name called) of such legislature party and of the political party to which its members are affiliated.

(2) Where the legislature party consists of only one member, such member shall furnish a copy of the constitution and rules mentioned in clause (*d*) of sub-rule (1) to the Chairman, within thirty days from the date of commencement of these rules or where he becomes a member of the House after such date, within thirty days from the date of taking his seat in the House, or, in either case within such further period as the Chairman may for sufficient cause allow.

(3) In the event of any increase in the strength of a legislature party consisting of only one member, the provisions of sub-rule (1) shall apply in relation to such legislature party as if such legislature party has been formed on the first date on which its strength has increased.

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(4) Whenever any change takes place in the information furnished by the leader of a legislature party under sub-rule (1) or by a member under sub-rule (2), he shall, within ten days thereafter, or, within such further period as the Chairman may for sufficient cause allow, furnish in writing information to the Chairman with respect to such change.

4. Information regarding unauthorised voting or abstention to be furnished.—Where a member belonging to any political party votes or abstains from voting in the House contrary to any direction issued by the political party of which he is a member or any person or authority authorised by it in this behalf, without obtaining the prior permission of such political party, person or authority, the leader of the legislature party concern shall, within thirty days from the date of such voting or abstention, furnish to the Chairman in Form II the following information, namely:—

(*a*) particulars of the directions issued and if written directions have been issued, a copy thereof;

(*b*) whether such member has voted or obtained from voting contrary to the directions referred to in clause (*a*);

(*c*) whether or not such member obtained prior permission of such political party, person or authority before voting;

(*d*) whether or not such political party, person or authority has within fifteen days from the date of such voting or abstention, condoned such member.

5. Information etc. to be furnished by members.—(1) Every member who has taken his seat in the House before the date of commencement of these rules shall furnish to the Secretary, within thirty days from such date or within such further period as the Chairman may for sufficient cause allow, a statement of particulars and declaration in Form III.

(2) Every member who takes his seat in the House after the commencement of these rules shall, before making and subscribing an oath or affirmation under Article 188 of the Constitution and taking his seat in the House, deposit with the Secretary his election certificate or, as the case may be, a certified copy of the notification nominating him as a member and also furnish to the Secretary a statement of particulars and declaration in Form III.

Explanation.—For the purposes of this sub-rule, 'election certificate' means the certificate of election issued under the Representation of the People Act, 1951 and the rules made thereunder.

(3) The information to be furnished by the members under this rule shall be published in the Bulletin and if any discrepancy therein is pointed out to the satisfaction of the Chairman, necessary corrigendum shall be published in the Bulletin.

6. Register of information as to members.—(1) The Secretary shall maintain a register in Form IV, based on the information furnished under Rule 3, Rule 4 and Rule 5 in relation to the members.

(2) The information in relation to each member shall be recorded on a separate page in the register.

7. Reference to be by petitions.—(1) No reference of any question as to whether a member has become subject to disqualification under the

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Tenth Schedule shall be made except by a petition in relation to such member made in accordance with the provisions of this rule.

(2) A petition referred to in sub-rule (1) may be made by any person in writing to the Secretary.

(3) The Secretary shall,—

(*a*) as soon as may be after the receipt of petition made under sub-rule (2) publish the information in respect thereof in the 'Bulletin', and

(*b*) as soon as may be after the House has elected a member in pursuance of the proviso to sub-paragraph (1) of paragraph 6 of the Tenth Schedule place the petition before such member.

(4) Every petition—

(*a*) shall contain a concise statement of the material facts on which the petition is based, and

(*b*) shall be accompanied by copies of the documentary evidence, if any, on which the petitioner relies and where the petitioner relies on any information furnished to him by any person, a statement containing the names and addresses of such person and the gist of such information as furnished by each such person.

(5) Every petition shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 for the verification of pleadings.

(6) Every annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

8. Procedure.—(1) On receipt of a petition under Rule 7, the Chairman shall consider whether the petition complies with the requirements of that rule.

(2) If the petition does not comply with the requirements of Rule 7, the Chairman shall dismiss the petition and intimate the petitioner accordingly.

(3) If the petition complies with the requirements of Rule 7, the Chairman shall cause copies of the petition and of the annexures thereto to be forwarded—

(*a*) to the member in relation to whom the petition has been made; and

(*b*) where such member belongs to any legislature party and such petition has not been made by the leader thereof, also to such leader, and such member or leader shall, within seven days of the receipt of such copies or within such further period as the Chairman may for sufficient cause allow, forward his comments in writing thereon to the Chairman.

(4) After considering the comments, if any, in relation to the petition, received under sub-rule (3) within the period allowed, the Chairman may either proceed to determine the question or, if he is satisfied having regard to the nature and circumstances of the case that it is necessary or expedient so to do, refer the petition to the Committee for submitting a preliminary inquiry report in respect thereof.

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(5) The Chairman shall, as soon as may be, after referring a petition to the Committee under sub-rule (4) intimate the petitioner accordingly and make an announcement with respect to such reference in the House, or if the House is not then in session, cause the information as to the reference to be published in the Bulletin.

(6) Where the Chairman makes a reference under sub-rule (4) to the Committee, he shall proceed to determine the question as soon as may be after receipt of the report from the Committee.

(7) The procedure which shall be followed by the Chairman for determining any question and the procedure which shall be followed by the Committee for the purposes of making a preliminary inquiry under sub-rule (4) shall be, so far as may be, the same as the procedure for inquiry and determination by the Committee of any question as to breach of privilege of the House by a member and the Chairman or the Committee shall before recording a finding that the member has become subject to disqualification under the Tenth Schedule afford a reasonable opportunity to such member to represent his case and to be heard in person and, if he so desires, through his Counsel.

(8) The provisions of sub-rules (1) to (7) shall apply with respect to a petition in relation to the Chairman as they apply with respect to a petition in relation to any other member and for this purpose, reference to the Chairman in these sub-rules shall be construed as including references to the member elected by the House under the proviso to sub-paragraph (1) of paragraph 6 of the Tenth Schedule.

9. **Decision on petitions.**—(1) At the conclusion of the consideration of the petition, the Chairman or, as the case may be, the member elected under the proviso to sub-paragraph (1) of paragraph 6 of the Tenth Schedule, shall by order in writing—

(*a*) dismiss the petition, or

(*b*) declare that the member in relation to whom the petition has been made has become subject to disqualification under the Tenth Schedule,

and cause copies of the order to be delivered or forwarded to the petitioner, the member in relation to whom the petition has been made and to the leader of the Legislature Party, if any, concerned.

(2) Every decision declaring a member to have become subject to disqualification under the Tenth Schedule shall be reported to the House forthwith if the House is in session, and if the House is not in session, immediately after the House reassembles.

(3) Every decision referred to in sub-rule (1) shall be published in the Bulletin and notified in the Official Gazette and copies of such decision shall be forwarded by the Secretary to the Election Commission of India and the State Government.

10. **Direction as to detailed working of these rules.**—The Chairman may, from time to time, issue such directions as he may consider necessary in regard to the detailed working of these rules.

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FORM I

[*See* Rule 3(1)(*a*)]

Name of the Legislature Party *Name of the Corresponding Political Party*

Serial No.	Name of the Member (in block letters)	Father's/Husband's name	Permanent address	Name of the Constituency from which elected
1	2	3	4	5

Dated: *Signature of the Leader of the Legislature Party.*

FORM II

(*See* Rule 4)

To

THE CHAIRMAN,

Uttar Pradesh Legislative Council,

Sir,

I am furnishing the following information in regard to voting on the subject-matter ..... at the sitting of the House held on..... (date) :—

1. Particulars/Copy of the directions issued by..... **(person*/authority/party) authorised to issue directions for purposes of the above voting.

2. Sri.....Member, Legislative Council, who is a member of..... (Name of the political party) and belongs to..... (Name of the Legislature Party) has voted*/abstained from voting contrary to the directions issued by.....(person*/authority/party) without obtaining the prior permission of the said person*/authority/party.

3. The abovementioned member has obtained*/has not obtained permission of .....**(person*/authority/party) before voting.

4. Within fifteen days from the date of the aforesaid voting, namely on..... (date) the aforesaid matter was considered and the said voting*/abstention from voting was condoned*/was not condoned by him/it.

Yours faithfully,

Dated: (*Signature of the Leader of the Legislature Party*).

*Strike out inappropriate words/portions.

**Here mention the name of the person/authority/party, as the case may be, who has issued the direction.

FORM III

[*See* Rules 5(1) and 5(2)]

1. Name of the Member (in block letters)
2. Father's/Husband's name :
3. Permanent address :
4. Lucknow address :
5. Date of election/nomination :
6. Party affiliation as on—
   (1) Date of election/nomination :
   (2) Date of signing this Form ;

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DECLARATION

I,.....hereby declare that the information given above is true and correct.

In the event of any change in the information above, I undertake to intimate the Chairman immediately.

Date: *Signature/Thumb-impression of the Member.*

FORM IV

[*See* Rule 6(1)]

Name of the Member (in block letters)	Father's/ Husband's name	Permanent address	Lucknow address	Date of election/ nomination	Date of taking seat in the Council
1	2	3	4	5	6

Date of commencement of the term of membership in the Council	Name of Political Party to which he belongs	Name of Legislature Party to which he belongs	Remarks
7	8	9	10

[184] **English translation of Avas Anubhag-3, Noti. No. 3312(3)/XXXVII-3—86-5-RA-86, dated February 28, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 28th February, 1987, p. 2**

In exercise of the powers under Section 4 of the **Uttar Pradesh (Regulation of Building Operations) Act, 1958** (U.P. Act No. XXXIV of 1958) the Governor is pleased to constitute as under the Controlling Authority for the regulated area declared as such under Government Notification No. 3312/XXXVII-3—86-5-RA/86, dated February 28, 1986, with effect from the date of publication of this notification in the Gazette, for the discharge of functions assigned to it under the said Act:

CONTROLLING AUTHORITY

1. District Magistrate, Sultanpur .. .. .. *Chairman*
2. Officer Incharge, Nagar Palika, Sultanpur .. .. *Member*
3. Mukhya Adhikari, Zila Parishad, Sultanpur .. .. *Member*
4. Executive Engineer Public Works Department Prantiya Khand Sultanpur .. .. .. *Member*
5. Associate Planner, Sambhagiya, Niyojan Khand, Town and Country Planning Department, Faizabad .. .. *Member*
6. Executive Engineer, Construction Division, Jal Nigam Sultanpur .. .. .. *Member*

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7. Joint Secretary or Deputy Secretary, Awas Evam Nagar Vikas, Uttar Pradesh Shasan who may for the being incharge of the work in the Vibhag relating to the Uttar Pradesh (Regulation of Building Operations) Act, 1958 .. *Member*
8. Director, Kamla Nehru Pravidhik Sansthan Sultanpur .. *Member*
9. District Industries Officer, Sultanpur .. .. *Member*

[185] **English translation of Avas Anubhag-3, Noti No. 200/XXXVII-3—87-6-R.A -86, dated May 1, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 1st May, 1987, p. 2**

Whereas, the State Government is of opinion that the following area in district of Sitapur requires to be regulated area under the **Uttar Pradesh (Regulation of Building Operations) Act, 1958** (U.P. Act No. XXXIV of 1958), with a view to the prevention of bad laying out of land haphazard erection of buildings and growth of sub-standard colonies and with a view to the development and expansion of the said area according to the proper planning :

Now, therefore, in exercise of the powers under sub-section (1) of Section 3 of the said Act, the Governor is pleased to declare the following area to be regulated area :

REGULATED AREA BISWAN

A—Area falling within the limits of Biswan Municipality ;

B—Area falling within the limits of the following villages of tehsil Biswan, district Sitapur.

1—Kamyabpur
2—Guraira
3—Saraiyan Mafi
4—Bhagwanpur Mafi
5—Mahmoodpur
6—Jalalpur
7—Puraini
8—Asharafpur
9—Amar Nagar
10—Jhajjhar
11—Saraiyan Mirzapur
12—Karim Panah
13—Benipur
14—Biswan

[186] **English translation of Orja Anubhag-3, Noti. No. 1651-P-3/LXXXVII-23, dated March 12, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 13th March, 1987, p. 2**

In exercise of the powers under Section 22-B of the **Indian Electricity Act, 1910** (Act No. IX of 1910) the Governor is pleased to make the following order :—

1. Short title.—This order may be called the **Uttar Pradesh Electricity (Regulation of Supply, Distribution, Consumption and Use) (Second Amendment) Order, 1987.**

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2. **Amendment of Clause 1.**—In Clause 1 of the Uttar Pradesh Electricity (Regulation of Supply, Distribution, Consumption and Use) (First Amendment) Order, 1987 in sub-clause (III) for the words and figures, "March 14, 1987" the word and figures, "March 31, 1987" shall be *substituted*.

[187] **English translation of Nagar Vikas Anubhag-2, Noti. No. 2969/IX-2-86-3(15)WSR/86, dated March 31, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 31st March, 1988, p. 2**

In exercise of the powers under sub-section (2) of Section 52 of the **Uttar Pradesh Water Supply and Sewerage Act, 1975** (U.P. Act No. 43 of 1975), read with Section 21 of the Uttar Pradesh General Clauses Act, 1904 (U.P. Act No. 1 of 1904), the Governor after considering the recommendations of the Uttar Pradesh Jal Nigam is pleased to make the following amendments in Government Notification No. 7302/IX—2-121-79, dated September 18, 1981.

In the aforesaid notification :

(1) for the figure and words "12.5 per cent" the figure and words "14 per cent" and for the figure and words "3 per cent" the figure and words "4 per cent" shall be *substituted*,

(2) at the end, the following note shall be *inserted*, namely—

"*Note.*—A rebate of 10 per cent shall be allowed if the payment is made within 15 days of the receipt of the bill".

[188] **English translation of Avas Anubhag-3, Noti. No. 3106/XXXVII-3—86-84-N.K.V.-76, dated January 15, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 15th January, 1987, p. 2**

In exercise of the powers under Section 4 of the **Uttar Pradesh (Regulation of Building Operations) Act, 1958** (U.P. Act No. XXXIV of 1958) read with Section 21 of the Uttar Pradesh General Clauses Act, 1904 (U.P. Act No. 1 of 1904) and in supersession of Government Notification No. 6693(6) XXXVII-3—84 N.K.V.-76, dated April 18, 1978, the Governor is pleased to constitute as below the Controlling Authority for Regulated Area Chitrakut Dham in District Banda declared as such under Government Notification No. 6693/XXXVII-3—84 NKV-76, dated April 13, 1978, for discharge of functions assigned to it under the aforesaid Act.

CONTROLLING AUTHORITY

1.	Commissioner, Jhansi Division, Jhansi	*Chairman*
2.	District Magistrate, Banda	*Vice-Chairman*
3.	Mukhya Adhikari, Zila Parishad, Banda	*Member*
4.	Officer Incharge, Nagar Palika, Chitrakut Dham, Karvi, District Banda	*Member*
5.	Regional Tourist Officer, Jhansi	*Member*
6.	Associate Planner, Sambhagiya Niyojan Khand, Town and Country Planning Department Jhansi	*Member*
7.	Executive Engineer, Public Works Department, Banda	*Member*
8.	Executive Engineer, Jal Nigam, Banda	*Member*
9.	Sub-Divisional Magistrate, Karvi, District, Banda ..	*Member-Sachiv*

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[189] English translation of Avas Anubhag-3, Noti. No. 425/XXXVII-3—88-216-N.K.V.-76, dated April 4, 1986, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 4th April, 1988, p. 2

In exercise of the powers under Section 4 of the **Uttar Pradesh (Regulation of Building Operations) Act, 1958** (U.P. Act No. XXXIV of 1958) read with Section 21 of the Uttar Pradesh General Clauses Act, 1904 (U.P. Act No. 1 of 1904), the Governor is pleased to make the following amendments in Government Notification No. 657/XXXVII-3—216-N.K.V.-76, dated June 22, 1977 as amended from time to time.

Amendments

In the table given in the aforesaid notification for the entries against Serial Number 8 relating to Regulated Area Badri Nath the following entries shall be *substituted*:

1.	District Magistrate, Chamoli	*Chairman*
2.	Sub-Divisional Forest Officer, Badri Nath Sub-Division Chamoli, Gopeshwar	*Member*
3.	Associate Planner, Garhwal Sambhagiya Niyojan Khand, Town and Country Planning Department, U.P. Dehra Dun	*Member*
4.	Executive Engineer, XV Circle, Jal Nigam, Gopeshwar ..	*Member*
5.	Executive Engineer, Public Works Department, Provincial Division, Gopeshwar	*Member*
6.	Secretary, Badrinath Temple Committee	*Member*
7.	Chairman/Officer incharge, Notified Area, Badrinath ..	*Member*
8.	Deputy Chief Officer, Health, Chamoli	*Member*

[190] English translation of Krishi Anubhag-5, Noti. No. 2072/XII-5—87, 600(149)-86, dated April 29, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 29th April, 1987, pp. 2-3

In exercise of the powers under Section 40 of the **Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964** (U.P. Act No. 25 of 1964) the Governor is pleased to make the following rules with a view to amending the Uttar Pradesh Krishi Utpadan Mandi, Niyamawali, 1965.

1. Short title and commencement.—(1) These rules may be called the **Uttar Pradesh Krishi Utpadan Mandi (Pratham Sanshodhan) Niyamavali, 1987.**

(2) They shall come into force with effect from the date of their publication in the Gazette.

2. Amendment of Rule 66.—In the Uttar Pradesh Krishi Utpadan Mandi Niyamavali, 1965, for Rule 66 the following rule shall be *substituted*, namely:—

"*66. Market fee* [*Section 17(iii)*].—(1) The Market Committee shall levy and collect market fee in the market area in accordance with the provisions of sub-clause (*b*) of clause (*iii*) of Section 17 of the Act at such rate as may be specified in the bye-laws:

Provided that no market fee shall be levied and charged prior to the date on which provisions of Section 10 of the Act are enforced:

Provided further that when the specified agricultural produce is presumed to have been sold in accordance with the explanation given

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under clause (111) of Section 17 of the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964, the price of such produce shall be the price prevailed for that type of produce in that market just on the previous working day.

(2) No market fee shall be levied more than once on any consignment of the specified agricultural produce brought for sale in the Market Yard if the market fee has already been paid on it in any Market Yard of the same market area and in respect of which a declaration has been made and a certificate has been given by the seller in Form No. V."

[191] **English translation of Shram Anubhag-1, Noti. No. 535(ST)/XXXVI-1—626(ST)-81, dated January 28, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 28th January, 1987, p. 2**

In exercise of the powers under Section 11-A of the **U.P. Industrial Disputes Act, 1947** (U.P. Act No. XXVII of 1947) the Governor is pleased to order that the powers exercisable by the State Government under sub-section (2) of Section 6-J of the said Act and the rules made thereunder, relating to determination of an industrial establishment to be seasonal or intermittent shall be exercisable also by the Deputy Labour Commissioner, Agra Region, Agra.

[192] **English translation of Parivahan Anubhag-4, Noti. No. 1824-T/XXX-4—9-P-72, dated April 8, 1988, published in the U.P. Gazette, Extra., Part-4, Section (ka), dated 8th April, 1988, p. 2**

In exercise of the powers under sub-section (1) of Section 43-A of the **Motor Vehicles Act, 1939** (Act No. IV of 1939), as amended in its application to Uttar Pradesh, read with Section 21 of the General Clauses Act, 1897 (Act No. X of 1897) and in partial modification of Government Notification No. 1421-T/XXX-4—87-9-P-72, dated April 3, 1987, the Governor is pleased to direct that the State Transport Authority and the Regional Transport Authorities may grant or renew as the case may be contract carriage (motor cab) permits to Diesel Jeep Vehicles as public service Vehicles subject to the following conditions :—

(*a*) The model of these Vehicles may be of fibre, glass or metal wagenette or canvass ; and

(*b*) The seating capacity of these vehicles shall not be more than six excluding driver.

[193] **English translation of Orja Anubhag-3, Noti. No. 773/P-3—87-23, dated February 14, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 14th February, 1987, pp. 3-4**

Whereas the State Government is of opinion that it is necessary and expedient so to do for maintaining the supply and securing the equitable distribution of electrical energy and for regulating the supply, distribution, consumption and use thereof;

Now, therefore, in exercise of the powers under Section 22-B of the **Indian Electricity Act, 1910** (Act No. IX of 1910), the Governor is pleased to make the following order :

1. **Short title, extent and commencement.**—(*i*) This order may be called the **Uttar Pradesh Electricity (Regulation of Supply, Distribution, Consumption and Use) (First Amendment) Order, 1987.**

(*ii*) It shall extend to the whole of Uttar Pradesh except the hill regions of the state.

(*iii*) It shall come into force with effect from February 15, 1987 and shall remain in force until March 14, 1987.

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2. Amendment of Clause 6.—In Clause 6 of the Uttar Pradesh Electricity (Regulation of Supply, Distribution, Consumption and Use) Order, 1977, hereinafter referred to as the said Order, for sub-clause (2), the following sub-clause shall be *substituted*, namely :—

"(2) In respect of electrical energy consumed by Industries having load of 100 b.h.p./100 KVA/75 KW and above receiving power from Uttar Pradesh State Electricity Board, 35 per cent power cut shall be observed by them in their highest demand recorded in any single month during the last twelve months from February, 1986 to January, 1987 and also on maximum energy consumed in any month during above period :

Provided that the permissible demand after cut shall in no case be less than 100 b.h.p./100 KVA/75 KW.

3. Amendment of Clause 8.—In Clause 8 of the said order for sub-clause (*d*) the following sub-clause shall be *substituted*, namely :—

"(*d*) (*i*) All corporation towns except Lucknow enumerated in Schedule 'C' of the said order shall not get supply daily for two hours during the period specified by the Uttar Pradesh State Electricity Board from time to time.

(*ii*) Lucknow town will not get supply for one hour during the period specified by the Uttar Pradesh Electricity Board from time to time.

(*iii*) All special class towns specified in Schedule 'D' of the said order shall not get supply daily for two hours during the period specified by Uttar Pradesh State Electricity Board from time to time.

(*iv*) All district headquarters and towns other than these mentioned in Schedules 'C' and 'D' having population above 25,000 according to 1981 census shall not get supply for three hours every day during the period specified by the Uttar Pradesh State Electricity Board from time to time.

(*v*) All Government Hospitals Medical Colleges and others recognised hospitals, wireless stations, All India Radio, Television stations and Earth Satellite Stations, Water Works and all Petroleum and Lubricants Storage points owned by Indian Oil Corporation Ltd., or Bharat Petroleum Corporation situated in towns mentioned in sub-clauses (*i*), (*ii*), (*iii*) and (*iv*) shall remain exempt from the above cuts.

(*vi*) All other towns except those mentioned in clauses (*i*) to (*iv*) shall get only two phase supply in the evening for five hours between 6 p.m. to 11 p.m. for light and fan in addition to the normal schedule of supply issued by the Uttar Pradesh State Electricity Board for rural areas from time to time.

(*vii*) Supply to rural areas shall be given as per schedule issued by the Uttar Pradesh State Electricity Board from time to time."

SCHEDULE 'C'

Agra, Allahabad, Bareilly, Gorakhpur, Kanpur, Lucknow, Varanasi, Meerut.

SCHEDULE 'D'

Aligarh, Faizabad, Ghaziabad, Mirzapur, Moradabad, Rae Bareli, Saharanpur, Sultanpur, Mathura.

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[194] **English translation of Parivahan Anubhag-4, Noti. No. 2138-T/XXX-4—29-KM-79, dated May 27, 1988, published in the U.P. Gazette, Extra., Part-4, Section (ka), dated 30th May, 1988, pp. 3-4**

In exercise of the powers under sub-section (1) of Section 43 of the **Motor Vehicles Act, 1939** (Act No. IV of 1939) read with Section 21 of the General Clauses Act, 1897 (Act No. X of 1897) and in supersession of all previous directions issued in this behalf, the Governor is pleased to issue the following directions :

Directions

The State Transport Authority, Uttar Pradesh is directed to fix the maximum rates of freight for the carriage of goods on hire or reward by public carriers in the areas/routes mentioned in Column 2 of the table given below, as per rates given in Column 3 and 4 against each in the said table :

TABLE

Sl. No.	Area or route	Maximum rates of freight (in Paise)	Detention charges
1	2	3	4
1	All regions, excluding the following areas and routes— (*i*) Pithoragarh, Almora, Chamoli, Uttarkashi, Tehri Garhwal Districts and Tehsil Chakrata of Dehradun District ; (*ii*) These portions of Naini Tal and Pauri-Garhwal districts which lie to the north of the base of the foot hills from Tanakpur in the east right along Kathgodam, Ram Nagar, Kotdwara To Lachman Jhula in the west ; (*iii*) The area beyond Municipal limits of Dehra Dun Town towards Mussoorie side.	5.60 Paise per quintal per kilometre to be calculated according to the maximum permissible load of the vehicle.	(*i*) Rs. 63 per vehicle up to 37.32 quintals laden weight per day of 8 hours. (*ii*) Rs. 94.50 per vehicle exceeding 37.32 quintals laden weight per day of 8 hours : Provided that if the average income of a vehicle having laden weight not exceeding 37.32 quintals is Rs. 126 per day including the period of detention or of a vehicle having laden weight exceeding 37.32 quintals is Rs. 252 per day including the period of detention, no detention charges shall be charged.
2	Areas and routes— (*i*) Pithoragarh, Almora, Chamoli, Uttar Kashi, Tehri Garhwal Districts, and Tehsil Chakrata of Dehra Dun District ; (*ii*) Those portions of Naini Tal and Pauri-Garhwal Districts which lie to the north of the base of the foot hills from	(*i*) Painted roads having two way traffic—'A' class goods 11.55 paise per quintal per kilometer ; "B" class goods—13.65 paise per quintal per kilometre ; (*ii*) Painted roads—having one way traffic 'A' class goods 13.65 paise per quintal per kilometre ; 'B' class goods	(*i*) Rs. 63 per vehicle up to 37.32 quintals laden weight per day of 8 hours. (*ii*) Rs. 94.50 per vehicles exceeding 37.32 quintals laden weight per day of 8 hours :

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1	2	3	4
	Tanakpur in the east right along Kathgodam, Ram Nagar, Kotdwara to Lachman Jhula in the west.	15.75 paise per quintal per kilometre;	Provided that if the average income of a vehicle having laden weight not exceeding 37.32 quintals is Rs. 126 per day including the period of detention or of a vehicle having laden weight exceeding 37.32 quintals is Rs. 252 per day including the period of detention no detention charges shall be charged :
	(*iii*) The area beyond Municipal limits of Dehra Dun Town towards Mussoorie side.	(*iii*) Unpainted Roads— 'A' class goods 14.70 paise per quintal per kilometre; 'B' class goods 15.75 paise per quintal per kilometre.	

Provided that the freight payable in the districts of Pithoragarh, Chamoli and Uttar Kashi shall be 20 per cent more than the rates mentioned above :

Provided further that the freight shall be calculated according to the maximum permissible load of the vehicle.

Classification of Goods

'A' Class Goods .. Foodgrains and foodstuffs including salt, sugar, gur, spices, vegetables, fruits, fish, meat, eggs, coal and fire-wood ;

'B' Class Goods .. All other goods excluding those falling under Class 'A' above.

3	Kacha Roads of all regions excluding the areas and routes mentioned at Sl. No. 2 above.	9.45 paise per quintal per kilometre calculated according to the maximum permissible load of the vehicle.	(*i*) Rs. 63 per vehicle up to 37.32 quintals laden weight per day of 8 hours ; (*ii*) Rs. 94.50 per vehicle exceeding 37.32 quintals laden weight per day of 8 hours : Provided that if the average income of a vehicle having laden weight not exceeding 37.32 quintals is Rs. 126 per day including the period of detention or of a vehicle having laden weight exceeding 37.32 quintals is Rs. 252 per day including the period of detention, no detention charges shall be charged.

[195] **English translation of Shram Anubhag-3, Noti. No. 1815/XXXVI-3—7(S)-85, dated May 1, 1987, published in the U.P. Gazette, Extra., Part—4, Section (kha), dated 1st May, 1987, pp. 3-4**

In exercise of the powers under sub-section (3) of Section 36 of the **Uttar Pradesh Dookan Aur Vanijya Adhisthan Adhiniyam, 1962** (Act No. 26 of 1962), read with Section 8 of the Uttar Pradesh Criminal Law (Composition of Offences and Abatement of Trials) (Amendment) Act, 1979, the Governor is pleased to appoint the officers mentioned in Column 2 of the Schedule given below to be prescribed authority to compound offences punishable for breach of provisions contained in Sections 4-B and 4-C of the said Act of 1962 within the areas mentioned against each in Column 3 thereof subject to the conditions given thereunder :

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SCHEDULE

Sl. No.	Officer	Local limit
1	2	3
1	Chief Inspector of Shops, U.P., Kanpur ..	Whole of Uttar Pradesh
2	Deputy Chief Inspector of Shops, U.P., Kanpur.	Ditto.
3	Additional Labour Commissioner, U.P., Kanpur Region, Kanpur. ..	Kanpur Region consisting of districts of Kanpur City, Kanpur Dehat, Etawah, Unnao and Farrukhabad.
4	Deputy Labour Commissioner, Allahabad Region, Allahabad. ..	Allahabad Region consisting of districts of Allahabad and Fatehpur.
5	Deputy Labour Commissioner, Meerut Region, Meerut. ..	Meerut Region consisting of districts of Meerut, Muzaffarnagar and Saharanpur.
6	Deputy Labour Commissioner, Agra Region, Agra. ..	Agra Region consisting of districts of Agra, Aligarh, Etah, Mainpuri and Mathura.
7	Deputy Labour Commissioner, Gorakhpur Region, Gorakhpur. ..	Gorakhpur Region consisting of districts of Gorakhpur, Basti and Azamgarh.
8	Deputy Labour Commissioner, Lucknow Region, Lucknow. ..	Lucknow Region consisting of districts of Lucknow, Hardoi Kheri, Rae Bareli and Sitapur.
9	Deputy Labour Commissioner, Faizabad Region, Faizabad. ..	Faizabad Region consisting of districts of Faizabad, Bahraich, Bara Banki, Gonda and Sultanpur.
10	Deputy Labour Commissioner, Bareilly Region, Bareilly. ..	Bareilly Region consisting of districts of Bareilly, Badaun, Pilibhit and Shahjahanpur.
11	Deputy Labour Commissioner, Moradabad Region, Moradabad. ..	Moradabad Region consisting of districts of Moradabad, Rampur and Bijnor.
12	Deputy Labour Commissioner, Varanasi Region, Varanasi. ..	Varanasi Region consisting of districts of Varanasi, Ghazipur, Ballia and Jaunpur.
13	Deputy Labour Commissioner, Garhwal Region, Dehra Dun. ..	Garhwal Region consisting of districts of Chamoli, Garhwal (Pauri), Tehri-Garhwal and Uttarkashi.
14	Deputy Labour Commissioner, Kumaun Region, Haldwani (Naini Tal). ..	Kumaun Region consisting of districts of Naini Tal, Almora and Pithoragarh.
15	Deputy Labour Commissioner, Ghaziabad, Region, Ghaziabad. ..	Ghaziabad Region consisting of districts of Ghaziabad and Bulandshahr.
16	Deputy Labour Commissioner Mirzapur Region, Mirzapur. ..	Mirzapur Region consisting of district Mirzapur.
17	Deputy Labour Commissioner, Jhansi Region, Jhansi. ..	Jhansi Region consisting of districts of Jhansi, Lalitpur, Banda, Hamirpur and Jalaun.

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ANNEXURE

1. The Prescribed Authority while compounding the offence shall take into consideration whether the offence has been committed for the first time or it is a subsequent offence.

2. In case it is the first offence of the accused, the compounding of offence shall be done keeping in view the gravity of the offence, subject to the maximum penalty laid down for such offence.

3. In case it is a subsequent offence, the composition fee shall exceed the maximum penalty laid down for the first offence depending upon the gravity of the subsequent offence subject to the maximum penalty laid down for such subsequent offence.

4. The Prescribed Authority shall not compound any offence merely by giving warning or by admonishing.

5. The compounding of offence shall be done within the limitation period, in case the prosecution has not been launched. If the prosecution has been launched, the compounding of offence shall be done by the Prescribed Authority before the prosecution concludes its evidence.

[196] **English translation of Khadya Tatha Rasad Anubhag-5, Noti. No. P-124/XXIX-Food-5-5-(72)-79, dated January 16, 1988, published in the U.P. Gazette, Extra., Part—4, Section (kha), dated 16th January, 1988, pp. 2-3** [L]

In exercise of the powers under Section 3 of the **Essential Commodities Act, 1955** (Act No. 10 of 1955) read with the Government of India, Ministry of Agriculture, (Department of Food) Order No. GSR 800(E), dated June 9, 1978 the Governor is pleased to make the following order with a view to amending the Uttar Pradesh Pulses (Licensing and Storage Control) Order, 1979;

1. **Short title extent and commencement.**—(1) This order may be called the **Uttar Pradesh Pulses (Licensing and Storage Control) (Second Amendment) Order, 1988.**

(2) It extends to the whole of Uttar Pradesh.

(3) It shall come into force atonce.

2. **Amendment of Clause 7.**—In the Uttar Pradesh Pulses (Licensing and Storage Control) Order, 1979 in Clause-7 in sub-clause (1)—

(*a*) for the existing table of stock limits, the following table shall be *substituted*, namely—

TABLE

Category of Cities	Stock limits in quintals		Remarks
	Whole saler	Retailer	
Category 'A' Cities ..	500	40	All pulses taken
Category 'B' Cities ..	300	30	together.
Category 'C' Cities ..	200	20	

(*b*) before the existing first proviso, the following proviso shall be *inserted*, namely—

"Provided that—

(*i*) No wholesaler shall hold any stock of pulses for a period exceeding fifteen days from the date of physical receipt by him of such stock of pulses :

(*ii*) Only one sale/purchase transaction if accompanied by physical delivery of stocks shall be permitted in respect of pulses between one wholesaler and another."

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[197] English translation of Abkari Anubhag-2, Noti. No. 1887-E-2/XIII—283-86(T.C.), dated November 23, 1987, published in the U.P. Gazette, Extra., Part—4, Section (ka), dated 23rd November, 1987, pp. 4-6 [L]

In exercise of the powers under sub-section (1) of Section 40 of the **U.P. Excise Act, 1910** (U.P. Act No. IV of 1910) read with Clause (*d*) of sub-section (2) of the said section the Governor is pleased to make the following Rules with a view to amending the U.P. Excise (Rules relating to Import, Transport and Possession of Denatured Spirit) Rules, 1931 published with notification No. 129/XIII-204, dated March 13, 1931 :

1. **Short title and commencement.**—(1) These Rules may be called the **U.P. Excise (Fourth Amendment) Rules, 1987.**

(2) They shall come into force with immediate effect.

2. **Amendment of Rule 17.**—In the rules relating to the Import Export, Transport, and Possession of Denatured Spirit published with Notification No. 129/XIII-204, dated March 13, 1931, as amended from time to time for the sub-rule (2) of Rule XVII the following sub-rule shall be *substituted* :

"(2) In the case of issues from a distillery a vend fee of Rs. 1.25 (One Rupee Twenty-five paise) per bulk litre will be payable in advance before the spirit is issued :

Provided that in case of bulk supply of more than one million litres under, F.L. 39 licences the vend fee shall be charged at the rate of Re. 1.25 P. (One Rupee and Twenty-five paise) per bulk litre for the first one million litres and at the rate of Re. 0.40 (Forty paise) per bulk litre for the remainder. The vend fee will not be charged on denatured spirit in the case of—

(*a*) issues to hospitals, dispensaries, charitable and educational institutions and other State Government Department :

Provided that the denatured spirit so issued is used purely for research work by those departments, up to a quantity allowed to be issued by the Excise Commissioner and the indent is countersigned by the Collector, and

(*b*) issues for export out of the State provided the export is made under the authority of permit granted by a responsible officer of the importing State or Union Territory ;

(*c*) The alcohol based industrial units holding F.L. 39 licence, which started production on or after December 20, 1986 :

Provided that—

(I) the amount of exempted vend free added with the amount of purchase-tax and Sales-Tax exempted under other provisions shall not exceed the total capital investment of the unit, and

(II) the exemption shall be allowed for a maximum period of five, four and three years respectively for the districts of 'A' 'B' and 'C' categories of the appended Schedule.

Explanation.—For the purposes of this sub-rule the expression 'Capital investment' means investment in land, building, plant, machinery, equipments and apparatuses."

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SCHEDULE

Category 'A' districts	*Category 'B' districts*	*Category 'C' districts*
1. Banda	1. Azamgarh	1. Agra
2. Jalaun	2. Bahraich	2. Aligarh
3. Hamirpur	3. Ballia	3. Allahabad
4. Jaunpur	4. Bara Banki	4. Bareilly
5. Fatehpur	5. Basti	5. Bijnore
6. Pauri-Garhwal	6. Badaun	6. Ghaziabad (excluding Dadari Tehsil)
7. Tehri-Garhwal	7. Bulandshahr	7. Gorakhpur
8. Chamoli	8. Deoria	8. Kanpur Nagar
9. Uttar Kashi	9. Etah	9. Lakhimpur-Kheri
10. Sultanpur	10. Etawah	10. Lucknow
11. Kanpur Dehat	11. Faizabad	11. Meerut
12. Almora	12. Farrukhabad	12. Mirzapur
13. Pithoragarh	13. Ghazipur	13. Muzaffarnagar
14. Naini Tal	14. Gonda	14. Saharanpur
15. Dehra Dun	15. Hardoi	15. Varanasi
	16. Jhansi	
	17. Lalitpur	
	18. Mainpuri	
	19. Mathura	
	20. Moradabad	
	21. Pilibhit	
	22. Pratapgarh	
	23. Rae Bareli	
	24. Rampur	
	25. Shahjahanpur	
	26. Sitapur	
	27. Unnao, and	
	28. Dadri Tehsil of Ghaziabad	

Note—*Dadri Tehsil*—'Dadri Tehsil of Ghaziabad' means the area which was a part of district Bulandshahr before it was included in district Ghaziabad. The area units established in the area of Dadari Tehsil which was the part of Meerut District before its inclusion in Ghaziabad district shall not be entitled for the benefit of admissible exemption.

[198] **English translation of Nagar Vikas Anubhag-2, Noti. No. 750/IX-2-87-3-(25)-WSR-85, dated March 31, 1987, published in the U.P. Gazette Extra , Part—4, Section (kha), dated 31st March, 1987, p. 2**

In pursuance of the provisions of sub-section (2) of Section 135 of the **U.P. Municipalities Act, 1916** (U.P. Act No. II of 1916) it is hereby notified that the Municipal Board, Aligarh in exercise of the powers under clause (*x-a*) of sub-section (1) of Section 128 of the said Act has imposed the drainage tax at the rate of 4 per cent on the annual value of buildings within the limits of Aligarh Municipality with effect from April 1, 1987.

[199] **English translation of Khadya Tatha Rasad Anubhag-9, Noti. No. 89/XXIX-9—93 Tel—1986, dated January 16, 1988, published in the U.P. Gazette, Extra., Part—4, Section (kha), dated 16th January, 1988, p. 3** [L]

In exercise of the powers under Section 3 of the **Essential Commodities Act, 1955** (Act No. 10 of 1955) read with the Government of India, Ministry of Agriculture and Irrigation (Department of Food) Notification No. GSR—800, dated June 9, 1978, the Governor is pleased to make the following order :

1. **Short title, extent and commencement.**—(1) This order may be called the **Uttar Pradesh Oilseeds and Oilseeds Products Control (Eighteenth Amendment) Order, 1988.**

(2) It extends to the whole of Uttar Pradesh.

(3) It shall come into force atonce.

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2. **Amendment of Clause 13.**—In the Uttar Pradesh Oilseeds and Oilseeds Products Control Order, 1966, in Clause 13—

(*a*) in the table, for item (2), the following item, column-wise shall be *substituted*, namely :

Commodity	Category of cities	Stock-limits in quintal in case of Wholesaler	Retailer	Remarks
(2) Oils including hydrogenated vegetable oils	Category-A	500	25	All oils Including hydrogenated vegetable oils
	Category-B	400	15	
	Category-C	250	10	

(*b*) the following provisos shall be added—

Provided that no wholesale-dealer shall hold any stock of edible oilseeds including groundnut in shell and edible oils including hydrogenated vegetable oils for a period exceeding fifteen days from the date of physical receipt by him of such stock of edible oilseeds and edible oils :

Provided further that only one sale purchase transaction, if accompanied by physical delivery of stocks, shall be permitted in respect of edible oils and oilseeds between one wholesaler and another.

[260] **English translation of Grih (Karagar) Anubhag-2, Noti. No. 4943-Pro/XXII-1212(130)-82-UPA-7-38-Rule-38-AM(4)-87, dated June 22, 1987, published in the U.P. Gazette, Extra., Part—4, Section (ka), dated 30th June, 1987, pp. 2-3** [L]

In exercise of the powers under Sections 5, 6 and 9 of the **U.P Prisoners' Release on Probation Act, 1938** (U.P. Act No. VIII of 1938) read with Section 21 of the Uttar Pradesh General Clauses Act, 1904 (U.P. Act No. 1 of 1904), the Governor is pleased to make the following Rules with a view to amending the U.P. Prisoners' Release on Probation Rules published under Government Notification No. 3436(1)/VI-1651(7)-37, dated December, 17, 1938.

1. **Short title and commencement.**—(1) These Rules may be called the **Uttar Pradesh Prisoners' Release on Probation (Fourth Amendment) Rules, 1987.**

(2) They shall come into force with effect from the date of their publication in the Gazette.

2. **Amendment of Rule 4.**—In the U.P. Prisoners' Release on Probation Rules, for the existing Rule 4, the following rule shall be *substituted*, namely :—

"4. *Eligibility for release.*—Any prisoner, other than a prisoner specified in Rule 3, may be eligible for consideration by the State Government for release on licence—

(*i*) if he is a prisoner to whom Section 433-A of the Code of Criminal Procedure, 1973 applies and has served imprisonment for a total period of 14 years including remissions ;

(*ii*) if he is a prisoner sentenced to imprisonment for life to whom Section 433-A of the Code of Criminal Procedure, 1973 does

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not apply and has served imprisonment for a total period of ten years with remissions, and

(*iii*) in any other case, if he has served one-third, without remissions, of the period of imprisonment to which he was sentenced."

[201] **English translation of Khadya Tatha Rasad Anubhag-9, Noti. No. 3880/XXIX-9-37 Tel-1986, dated September 4, 1987, published in the U.P. Gazette, Extra., Part—4, Section (kha), dated 4th September, 1987, pp. 2-3** [L]

In exercise of the powers under Section 3 of the **Essential Commodities Act, 1955** (Act No. 10 of 1955), read with the Government of India, Ministry of Agriculture and Irrigation (Department of Food), notification published under GSR 800, dated June 9, 1978 and all other powers enabling him in this behalf, and with the prior concurrence of the Central Government the Governor is pleased to make the following Order, namely:—

1. **Short title extent and commencement.**—(1) This order may be called the **Uttar Pradesh Oilseed and Oilseed Products Control (Seventeenth Amendment) Order, 1987.**

(2) It extends to the whole of Uttar Pradesh.

(3) It shall come into force atonce.

2. **Amendment of Clause 2.**—In the Uttar Pradesh Oilseeds and Oilseed Products Control Order, 1966 hereinafter called the Said order, in Clause 2, after the existing sub-clause (*j*), the following new clause (*k*) shall be, *inserted*, namely:—

"(*k*) 'Producer' means a person carrying on the business of expelling extracting, manufacturing or refining any oil:—

(*i*) by buying oilseeds for being processed by himself and selling the finished products to a wholeseller or through a commission agent; or

(*ii*) by doing any of the processes of expelling, extracting, manufacturing or refining on behalf of another."

3. In Clause 4 of the said order in between the words "No dealer (or commission agent)" and the word "shall" the words "or producer" shall be *inserted*.

[202] **English translation of Nagar Vikas Anubhag-7, Noti. No. 1635-A/XI-7—88-1 ka(23)-86, dated June 23, 1988, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 23rd June, 1988, pp. 6-10**

The following Bye-laws made by the Nagar Mahapalika, Lucknow, in exercise of the powers under clauses (20), (21), (22), (23), (24) and (25) of Section 541 of the **Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959** (U.P. Act No. II of 1959) for the control and regulation of milch animals within the limits of the Nagar Mahapalika, Lucknow, are hereby confirmed and published as required under Section 544 of the aforesaid Adhiniyam after their previous publication in Government Notification No. 1283-A/XI-7—86-1 K(23)-86, dated October 21, 1986 in Uttar Pradesh Gazette Extraordinary, dated October 22, 1986, as required by clause (*a*) of Section 543 of the said Adhiniyam.

1. **Short title and commencement.**—(1) These Bye-laws may be called the **Nagar Mahapalika, Lucknow (Control and Regulation of Milch Animals) Bye-laws, 1987.**

(2) They shall come into force atonce.

2. **Definitions.**—In these bye-laws unless there is anything repugnant in subject or context,

(*a*) "Act" means the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959;

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(*b*) "Animal" means a cow, a she-buffalo, a she-goat, a sheep, whether it yields milk or not but whose milk can be consumed or is being consumed by human beings but does not include any milk taking he-calf, she-calf, pariya, parhwa, lamb or a kid;

(*c*) "Form" means a Form appended to these bye-laws;

(*d*) "Licensing Authority" means an officer of the Mahapalika authorised by the Mukhya Nagar Adhikari to issue licence under bye-law No. 23.

(*e*) "Mahapalika" means the Nagar Mahapalika, Lucknow;

(*f*) "Mukhya Nagar Adhikari" means an officer appointed under Section 58 of the Act, and include an officer authorised by him;

(*g*) "Owner" means a person who owns an animal whether for his personal use or otherwise.

3. Any bye-laws or directives made or issued in this behalf which may be in force immediately before the commencement of these bye-laws shall stand annulled.

4. Every person who becomes the owner shall inform the fact of his becoming an owner in Form-I to the Mukhya Nagar Adhikari within 15 days from the date of his becoming an owner.

5. Every owner shall pay licence fee in respect of his animals every year in the month of April and obtain the licence for the year next following after completing the formalities as provided hereinafter.

6. Every owner shall submit an application for the grant of licence in Form 2 to the licensing authority. The application must contain correct number of the animals and the relevant details concerning them. The owner shall also be liable to give any other information as may be required by the Licensing Authority.

7. The Licensing Authority shall issue the licence in Form-3 if he is satisfied that the owner may be granted the licence under these bye-laws.

8. The Licensing Authority may give notice to the owner for payment of licence fee and require him to send any relevant information if he has reason to believe that the owner has not obtained the licence under these bye-laws.

9. Where any animal in respect of which the owner is liable to pay licence fee is dead or sold or transferred to another place the owner shall inform the fact in writing to the licensing authority within 15 days of the occurrence of the event.

10. The owner shall keep his animals in healthy and hygenic places and shall comply with the provisions being made hereunder :—

(*a*) for every animal (excepting she-goat and sheep) there will be a space of 3.3×2.60 metres;

(*b*) it shall be the duty of the owner to ensure the following arrangements for every animal house :—

(*i*) the brick floor (Pucca Farsh) plastered or drained Kharanja floor shall be so constructed as to ensure that the urine etc. of the animals flow out of the animal house. The owner

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shall also ensure cleaning of the animal-house with insecticide once a week;

(*ii*) one-eigth part of the total area of the animal-house must consist of window, door or ventilators so that fresh air and light be readily available to the animal;

(*iii* for Kachcha floor (earthen floor) it shall be necessary to cover it with 16.5 centimetre thick pyal, grass or husk in every winter and the same will be changed every week and insecticides will also be sprayed at the time of such changing;

(*iv*) The roof of a Kachcha or a pucca animal-house shall be covered with slab or Asbestos sheet/Tin, Khaprail or beams, so that the animals are protected from rain, sun and cold.

(*v*) The owner shall remove dung and unused fodder, husk, Karvi, grass or any other unused material regularly every day before 7 a.m. and throw it at a place at least 4.85 metres away from the animal-house.

11. The floor of the dairies shall be bricked or cemented and shall be sloppy so that the water may be drained out. The dairies shall be cleaned and washed daily with insecticides. No dung or rubbish or any other material shall be allowed to be collected within a radius of 4.85 metres of a dairy. It shall be necessary to ensure the cleaning of the animal-house and or dairy farm to the satisfaction of the Nagar Swasthya Adhikari or any other officer authorised by Mahapalika in this behalf.

12. It shall be necessary to clean and wash properly the containers (Cans) for collecting milk and the place where the milk is kept. The teats (Thans) of the animals shall be cleaned and washed before milking them.

13. The milk duly covered shall be kept on a clean and dry place and shall generally be consumed in the form of milk within 24 hours after milking.

14. The owner shall compulsorily keep the diseased animals separate from healthy animals as may be required by the licensing authority. In case of an animal falling sick, a written information of the disease of the animals shall be given to the Nagar Swasthya Adhikari. The owner shall also ensure that the milk of the diseased animal is neither consumed or sold nor given to any person for use.

15. (1) No owner shall leave any animal free or stray in a public place, which includes lane, road, park side or the road-side etc.

(2) It shall be the duty of a licensee to ensure that the animals are allowed to move in accordance with bye-laws for the regulation of cattle traffic on streets within the limits of the city of Lucknow.

(3) If in the opinion of the Mukhya Nagar Adhikari, it is necessary in public interest, to keep the animal in a particular area, place, road, park or by the side of the park within the limits of the Mahapalika then it shall be the the duty of the owner to comply with the orders of the Mukhya Nagar Adhikari.

16. On the written information of the licensee, the Mahapalika shall make arrangements for the removal of dung, and or rubbish etc. The licensee shall be liable to pay the necessary expenses for such removal.

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17. The Veterinary Doctor of the Mahapalika shall offer necessary consultation and insecticides free of cost for the diseased animals.

18. The licensee shall make adequate arrangement for storage of water for the cleaning and washing of the area and the Mahapalika shall also arrange for the same on charging the expenses under rules from the licensee.

19. (1) The licence fee shall be payable by the owner in advance in the month of April every year as under :—

(*A*)	Cow and its progeny aged above one year	Rs. 5.00 each
(*B*)	She buffalo and its progeny aged above one year.	Rs. 15.00 each
(*C*)	She goat and its progeny above 6 months	Rs. 2.00 each
(*D*)	Sheep and its progeny above 6 month	Rs. 2.00 each

(2) The licence obtained under these bye-laws shall be effective for a period of one year with effect from the first day of April. The licence may also be granted for more than one year on payment of lump sum fee.

(3) If any licensee has not obtained a licence under these bye-laws before 30th April, he is liable to pay an Additional fee of Re. 1 for the first month and Rs. 2 for every subsequent month for every animal.

(4) In the case of a person acquiring ownership of an animal after the 30th day of April in a year he may obtain licence under these bye-laws without the payment of late fee under bye-law (3) after furnishing proper evidence, therefor to the licensing authority.

20. The licensing authority or any other officer, or employee authorised by the Mukhya Nagar Adhikari in this behalf, may inspect, any animal house, dairy or a milk selling shop and place for storage of milk as well as the proper up-keep of the animals and containers or milk. The inspection can be made on any day between sunrise and sun-set. It shall be obligatory for the owner to carry out the instructions of the Mukhya Nagar Adhikari or an officer or an employee authorised in this behalf.

21. In case of any dispute in the context of the above inspection the owner may make a representation to the Mukhya Nagar Adhikari. The decision of the Mukhya Nagar Adhikari on such a representation shall be final.

22. The licensing authority may, keeping in view the public health and convenience, prohibit any person to keep sell or exhibit for sale from any place within the limits of Mahapalika. He may also refuse to grant, suspend or cancel the licence.

23. The Nagar Swasthya Adhikari or any other officer authorised by the Mukhya Nagar Adhikari under these bye-laws, shall be the licensing authority. The powers of the licensing authority shall be exercised only by such officers as are duly authorised for the purpose.

24. The renewal of the licence shall not confer any title of ownership. It will be at the discretion of the licencing authority to grant or to refuse to grant or to renew or refuse to renew, any licence after affording to the owner a reasonable opportunity of being heard and in such a case the reasons for refusing the grant of a licence or for refusing the renewal of licence shall be recorded in writing.

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25. A token shall be issued with every licence. The token so issued shall be tied on the neck of the animal so that the token may be clearly visible to the inspecting officer or employee. The price of the token shall be paid by the licensee in addition to the licence fee. The Price of the token shall be such as may be determined by the Mahapalika from time to time. A receipt of the payment of the price of the token shall be issued by the licensing authority.

26. Form-2 under these bye-laws shall be saleable and can be obtained from the office of the Mahapalika on payment of the amount printed on the form.

27. Any breach of the provisions of these bye-laws by the owner shall on conviction be punishable with fine which may extend to five hundred rupees and in case of continuing breach, with fine which may extend to twenty rupees for every day during which the breach continues after the first conviction.

FORM 1

(*See* Bye-law No. 4)

Information of ownership of the animal(s)

To,

The Mukhya Nagar Adhikari,
Nagar Mahapalika, Lucknow.

Sir,

I.....s/o.....r/o.....
have become on.....the owner of the milch animal detailed below.....

Serial No.	Kind of animal	Number of animals of each kind
Total		

Dated.....19....

Signature of the owner
full address.....

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FORM 2

(*See* Bye-law No. 6)

Nagar Mahapalika, Lucknow

Application for the grant of licence to be given by the owner of the milch animal(s)

Name of the owner.....

Father or Husband's name.....

Address.....

Boundary of commercial place of animal place:—

East.....*West*.....

North.....*South*.....

Number of animals.....

Details of animal.....

(give identification mark of animal)

Number of the old licence, if any....., dated.....,

Token No.....

I have understood the Nagar Mahapalika, Lucknow (Control and Regulation of Milch Animals) Bye-laws, 1987 through reading/hearing and undertake to comply with them. In case I am found to violate any provisions of the said bye-laws the Nagar Mahapalika may take any action against me.

Signature of the applicant.

FORM NO. 3

Licence

[*See* Bye-law No. 7 and 19(2)]

Shri.....s/o.....r/o.....is hereby granted licence under the Nagar Mahapalika, Lucknow (Control and Regulation of Milch Animals) Bye-laws, 1987 for keeping the animals detailed below for the period ending on 31st day of March, 19.....

Serial No.	Kind of animal	Number of animals of each kind
	Total	

2. Shri.....has deposited the licence fee of Rs..... *vide* receipt no....., dated.....

Signature.....
Clerk,
Nagar Mahapalika,
Dated.....

Signature.....
Mukhya Nagar Adhikri,
Nagar Mahapalika, Lucknow.
(*Seal*)
Dated.....

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[203] **English translation of Sahkarita Anubhag-1, Noti. No. 2851/XII-C—1-88-7(5)-88, dated July 11, 1988, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 11th July, 1988, p. 2**

In exercise of the powers under sub-section (2) of Section 3 of the **Uttar Pradesh Co-operative Societies Act, 1965** (U.P. Act No. XI of 1966), the Governor is pleased to appoint the Director, Sericulture, Uttar Pradesh to assist the Registrar and further to confer on him all the powers of the Registrar under the said Act in respect of such Sericulture Co-operative Societies as are under the charge of Director, Sericulture, Uttar Pradesh.

[204] **English translation of Vitta (Bikri-Kar) Anubhag-2, Noti. No. S.T.-2—2798/X-7(34)/87—U.P. Act XV-48-Order-88, dated July 8, 1988, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 8th July, 1988, p. 2**

In exercise of the powers under clause (*a*) of Section 4 read with Section 25 of the **Uttar Pradesh Sales Tax Act, 1948** (U.P. Act No. XV of 1948), the Governor is pleased to exempt from payment of Sales Tax, with effect from July 1, 1988, the sale of oral contraceptive pills sold under the Brand Names 'Mala-N' and 'Mala-D'.

[205] **English translation of Shram Anubhag-3, Noti. No. 2645/XXXVI-3—23(M.W.)-83-(T.C.), dated June 30, 1988, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 30th June, 1988, p. 2**

Whereas the Spinning Mills of Co-operative Sector are organised sector and the employees working under them are granted reasonable wages and other facilities as per Government policy in similar mills of public sector:

Now, therefore, in exercise of the powers under sub-section (2) of Section 26 of the **Minimum Wages Act, 1948** (Act No. XI of 1948) the Governor is pleased to direct that, with effect from the date of publication of this notification in the Gazette, the provisions of the said Act shall not apply to the employees working in Spinning Mills of Co-operative sector owned or controlled by the State Government for a period of two years with the condition that the wages on salaries already being given to workers in these employments will not be reduced.

[206] **English translation of Shram Anubhag-3, Noti. No. 2645(11)/XXXVI-3—23(M.W.)-83-T.C.-dated June 30, 1988, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 30th June, 1988, p. 2**

Whereas the Co-operative Societies registered with the Registrar Co-operative Societies, Uttar Pradesh are organised sector and the employees working in Scheduled employment under them are granted reasonable wages and other facilities which are revised from time to time, by the Registrar, Co-operative Societies, Uttar Pradesh.

2. Now, therefore, in exercise of the powers under sub-section (2) of Section 26 of the **Minimum Wages Act, 1948** (Act No. XI of 1948), the Governor is pleased to direct that with effect from the date of publication of this notification in the Gazette, the provisions of the said Act shall not apply to the employees working in Scheduled employments under co-operative societies registered with the Registrar Co-operative Societies, Uttar Pradesh, for a period of two years, with the condition that the wages or salaries already being given to workers in these employments will not be reduced.

[207] **English translation of Nagar Vikas Anubhag-2, Noti. No. 1211/IX-2—88-3(25) WSR-85, dated June 21, 1988, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 21st June, 1988, p. 2**

In pursuance of the provisions of sub-section (2) of Section 135 of the **U.P. Municipalities Act, 1916** (U.P. Act No. II of 1916), it is hereby

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notified that the Municipal Board, Aligarh has imposed the rates of water charges revised by the Municipal Board, Aligarh Water Supply and Water Charges (First Amendment) Rules, 1986, published in Government Notification No. 2728/IX-2—86-3(25) WSR-85, dated July 16, 1986, with effect from July 1, 1988.

[208] **English translation of Nagar Vikas Anubhag-5, Noti. No. 652/XI-5—88-415-DA-87, dated March 18, 1988, published in the U.P. Gazette, Extra., Part 4, Section (kha), dated 18th March, 1988, p. 2**

In exercise of the powers, under Section 3 of the **Uttar Pradesh Special Area Development Authorities Act, 1986** (U.P. Act No. 9 of 1986), the Governor is pleased to declare, with effect from the date of the publication of this notification in the Gazette, the following areas to be a special development area for the purpose of the Act.

Vindhyachal Special Development Area

Area falling within the limits of Vindhyachal Up Nagar and the following adjoining Villages, excluding Cantonment area and land owned, requisitioned or taken on lease by the Central Government for the purpose of any Naval, Army or Air Force Authority.

Serial No.	Name of villages
1	Vindhyachal Up Nagar
2	Gopalpur (Revenue Code No. 211)
3	Bendhor
4	Rasoolpur *alias* Sheopur
5	Kevran
6	Kantit
7	Taking Asthbhuja and Kalikho as two separate centres, an area within the radius of 200 metres from each such centre.

[209] **English translation of Nagar Vikas Anubhag-5, Noti. No. 1257/XI-5—88-415-D.A.-87, dated March 18, 1988, published in the U.P. Gazette, Extra., Part 4, Section (kha), dated 18th March, 1988, p. 2**

In exercise of the powers under sub-section (3) of Section 4 of the **Uttar Pradesh Special Area Development Authorities Act, 1986** (U.P. Act No. 9 of 1986), the Governor is pleased to constitute as under an Authority to be called the Vindhyachal Special Area Development Authority, for the Vindhyachal Special Development Area declared under Government Notification No. 652/XI-5—88-415 D.A.87, dated March 18, 1988.

Vindhyachal Special Development Authority

1. Commissioner, Varanasi Region, Varanasi .. .. *Chairman*
2. Secretary to the State Government in the Department of Awas and Nagar Vikas .. .. .. *Ex officio Member*
3. Principal Secretary to the State Government in the Department of Finance .. .. ,,
4. Principal Secretary to the State Government in the Department of Tourism and Cultural Affairs. .. .. ,,

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5.	Secretary to the State Government in the Department of Forest and Environmental	*Ex officio Member*
6.	Secretary to the State Government in the Department of Planning	,,
7.	Chief Town and Country Planner, U.P.	,,
8.	Chairman, U.P. Electricity Board	,,
9.	Chairman, U.P. Jal Nigam	,,
10.	District Magistrate, Mirzapur	,,

[210] **English translation of Gopan Anubhag-8, Noti. No. 111/1/1/80-CX-8, dated June 15, 1988, published in the U.P. Gazette, Extra., Part 4, Section (kha), dated 15th June, 1988, p. 2**

Whereas in the past, there have been incidents of violence in certain districts of Uttar Pradesh and as a reaction thereto, similar incidents have occurred in other parts of the State and are likely to occur in future in other parts of the State also;

And, whereas anti-social elements are indulging in activities prejudicial to the security of the State, maintenance of public order and maintenance of supplies and services essential to the life of the community;

And, whereas in view of the aforesaid circumstances, prevailing and likely to prevail in Uttar Pradesh, the State Government is satisfied that it is necessary so to do;

Now, therefore, in exercise of the powers conferred by sub-section (3) of Section 3 of the **National Security Act, 1980** (Act No. 65 of 1980) read with Section 21 of the General Clauses Act, 1897 (Act No. X of 1897) and in partial modification of the orders contained in Government Notification No. 111/1/1/80-CX-6, dated September 25, 1980 as modified from time to time and lastly modified by Government Notification No. 111/1/1/80-CX-8, dated March 15, 1988, the Governor is pleased to empower all the district Magistrates in the State to exercise the powers conferred by sub-section (2) of the said Section 3 for a further period of three months with effect from June 23, 1988.

[211] **English translation of Avas Anubhag-3, Noti. No. 3035/XXXVII-3—87-3 RA-84, dated December 31, 1987, published in the U.P. Gazette, Extra., Part 4, Section (kha), dated 31st December, 1987, p. 2**

In exercise of the powers under sub-section (1) of Section 3 of **Uttar Pradesh (Regulation of Building Operations) Act, 1958** (U.P. Act No. XXXIV of 1958), read with Section 21 of Uttar Pradesh General Clauses Act, 1904 (U.P. Act No. 1 of 1904), the Governor is pleased to make the following amendment in Government Notification No. 635/XXXVII-3—86-3-R.A.-84, dated July 30, 1986.

Amendments

In the aforesaid notification for item B, under the heading Regulated Area Urai, the following item shall be *substituted*, namely :—

B. "Area falling within the limits of the following villages of Tahsil Urai, District Jalaun :—

1. Lahariya
2. Itarora
3. Chaurason
4. Badhaura
5. Iqlaspura

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6. Chak Orai
7. Kuiyan
8. Mokhari
9. Aznari
10. Riniyan
11. Umarar
12. Karsan
13. Orai Rural
14. Ragonda
15. Rahiya
16. Bada Gaon
17. Sarshaukhi"

[212] **English translation of Nagar Vikas Anubhag-5, Noti. No. 4322/XI-5—87-89-D.A.-87, dated August 21, 1987, published in the U.P. Gazette, Extra., Part 4, Section (kha), dated 21st August, 1987, p. 2**

In exercise of the powers under sub-section (7) of Section 4 of the **Uttar Pradesh Urban Planning and Development Act, 1973** (President's Act No. 11 of 1973), as re-enacted and amended by the Uttar Pradesh President's Act, (Re-enactment with the Modification Act, 1974) (U.P. Act No. 30 of 1974), the Governor is pleased to constitute from the date of publication of this notification in the Gazette as under an authority to be called the Bulandshahr Khurja Development Authority for the Bulandshahr Khurja Development Area declared as such under Government Notification No. 4273/XI-5—87-89-D.A.-87, dated August 21, 1987.

BULANDSHAHR-KHURJA DEVELOPMENT AUTHORITY

1.	Commissioner, Meerut, Division, Meerut ..	*Chairman*
2.	District Magistrate, Bulandshahr ..	*Vice-Chairman*
3.	The Secretary to the State Government in-charge of Urban development Department or his representative not below the rank of Deputy Secretary ..	*Ex officio member*
4.	The Secretary to the State Government in-charge of Departments of Finance or his representative not below the rank of Deputy Secretary ..	*Ex officio member*
5.	Chief Town and Country Planner, U.P. or his nominee not below the rank of senior Town Planner ..	*Ex officio member*
6.	The Managing Director, Jal Nigam, U.P., Lucknow or his nominee not below the rank of Superintending Engineer ..	*Ex officio member*
7.	Chief Engineer, Public Works Department, U.P., Lucknow or his nominee not below the rank of Superintending Engineer ..	*Ex officio member*
8.	Administrator/President, Municipal Board, Bulandshahr and Khurja ..	*Ex officio member*

[213] **English translation of Shram Anubhag-2, Noti. No. 1879(HI)/XXXVI-2—127(DT)-86, dated October 29, 1987, published in the U.P. Gazette, Extra., Part 4, Section (kha), dated 29th October, 1987, pp. 2—6**

Whereas, the State Government constituted a Committee *vide* office memorandum No. 488(HI)/XXXVI-2—78(DT)-82, dated February 15, 1983, to consider the question

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of increase in wages for the workmen employed in the Distillery and Brewery Industry and to submit its recommendations to the Government after enquiry and hearing in the matter;

And, whereas, on the recommendations of the said committee orders were issued *vide* Government Notification No. 3684(HI)/XXXVI-2—78(DT)-82, dated September 28, 1984;

And, whereas, in accordance with the item No. 5 of the said order Employers and employees have reached an agreement on January 27, 1987 and have requested the State Government to enforce the said settlement under Section 3(*b*) of the **Uttar Pradesh Industrial Disputes Act, 1947** (U.P. Act No. XXVIII of 1947);

And, whereas, in the opinion of the State Government it is necessary to enforce the said agreement, dated January 27, 1987 for securing public convenience and maintenance of public community and for maintaining employment;

Now, therefore, in exercise of the powers under clause (*b*) of Section 3 of the aforesaid Act the Governor is pleased to order that the said agreement, dated January 27, 1987 which is as under shall be enforced and with reference to Section 19 of the said Act to direct that notice of this order shall be given by notification in the Gazette.

MEMORANDUM OF SETTLEMENT

Name of the parties	The Managements of Distilleries and Breweries in U.P.
	AND
	The Workmen employed in the Distilleries and Breweries in U.P.
Representing Employer	(1) Shri Shiv Raj Gupta
	(2) Shri Pritam Singh Sandhu, Chairman, Labour Committee
	(3) Shri S.P. Seth, Member, Managing Committee U.P. Distillers' Association
Representing Workmen	(1) Shri Rameshwar Saran Singh, General Secretary
	(2) Shri M.C. Vyas, Vice-President
	(3) Shri Rama Nand Dwivedi, Organising Secretary
	(4) Shri Vidya Ram
	(5) Shri D.S. Tomar U.P. Distillery Workers' Federation

SHORT RECITAL OF THE CASE

In 1983, the U.P. Government had constituted a Committee to consider the question of increase in wages for the workmen employed in Distilleries and Breweries Industry and to submit its recommendations to the Government. After receiving the Committee's Recommendations, the U.P. Government, *vide* Notification No. 3684(HI)/XXXVI-2—78(DT)-82, dated, September 28, 1984, issued under Section 3(*b*) of U.P. Industrial Disputes Act, made an order in respect of payment of basic wages and dearness allowance in the Distilleries and Breweries of the State with effect from 1st September 1983. In Clause 5 of the above order, it was mentioned that the question of revision in the annual increment shall be mutually settled between the parties bilaterally, before August 31, 1986 which will be effective from 1st September, 1986. In view of the above Clause 5, the parties discussed the matter in a number of meetings and after negotiations, they have arrived at a settlement on the following terms and conditions:

TERMS OF THE SETTLEMENT

1. The parties agree to merge fixed dearness allowance and the variable dearness allowance payable up to 573 points of the All India Consumer

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Price Index Numbers for Industrial workers (base 1960-100) published by the Labour Bureau, Simla, in the basic wages. The parties further agree to merge Rs. 90 which is the total of *ad hoc* increase in basic wages given as per details below :

(*i*) Rs. 25 per month *vide* notification, dated 3rd November, 1977

(*ii*) Rs. 15 per month *vide* notification, dated 25th April, 1980, Rs. 25 per month *vide* notification, dated 20th November, 1981 & Rs. 25 per month *vide* notification, dated 28th September, 1984.

The parties further agree that an increase of Rs. 10 will be made in the basic wages with effect from 1st September 1986. After merging the above-mentioned fixed dearness allowance, variable dearness allowance, *ad hoc* increase and the increase of Rs. 10, the revised grade of pay for all categories of workmen will be made and they will be applicable with effect from 1st September 1986.

2. The parties further agree that the rates of annual increments will also be revised and they will range from Rs. 5 to Rs. 25 per year. The details of these rates of increments have also been worked out by the parties and accordingly the revised grades have been made for each category of workmen which are given in the Annexure 'A' to this settlement and which will be applicable with effect from 1st September 1986.

3. The parties further agree that in future, the balance of dearness allowance payable for the points from 574 onwards will be treated as dearness allowance. It is clarified that at present the average of the above index number for the period from January 1986 to April 1986 is 636 and therefore the dearness allowance is payable for 63 points (i.e. for the rise from points 574 to 636) which comes to Rs. 82 per month at the rate of Rs. 1.30 per point.

4. The parties further agree that variable dearness allowance shall be payable at the rate of Rs. 1.30 per point rise or fall in the average of above index numbers for every four months in future in the following manner :

(*i*) From May to August—payable with effect from 1st September ;

(*ii*) From September to December—payable with effect from 1st January ; and

(*iii*) From January to April—payable with effect from 1st May, respectively, in future from 636 points onwards.

It is further agreed that in case the rate of neutralisation for the rise or fall in the above index numbers is revised by the U.P. Government for Distilleries and Breweries in future, the above mentioned rate of Rs. 1.30 per point will stand automatically revised with effect from the date specified by the U.P. Government for such revision in its order or notification issued for this purpose.

5. Regarding the demand of allowances and benefits in respect of fuel, electricity, cycle, housing, medical facilities, uniform and all other allowances and benefits, the parties agree that a Special Allowance at the rate of Rs. 25 per month will be given to every workman with effect from 1st September 1986 over and above the allowances/benefits which they are getting on these accounts. The workmen and the Federation representing them agree that during the period of operation of this settlement, they will not raise any dispute or demand for payment of any allowance or benefit over and above the basic wage, dearness allowance, variable dearness allowance and special allowance, agreed to by this settlement between the parties.

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6. The parties further agree that the existing basic wage payable to each workmen will be fitted in the revised grades of pay mentioned in the Annexure 'A' to this settlement in such a manner that in case the amount for fitment is less than the rate of increment applicable in his case, the balance will be paid to him to fit his basic wage at the appropriate step with effect from 1st September 1986. The parties further agree that in case any workman reaches the maximum of rate of basic wage in his grade during the period of operation of this settlement, he will continue to get annual increment at the rate applicable to his category.

7. The Management and the Association representing them agree that all efforts will be made by each Management to minimise employment of contract labour in their respective Distillery and Brewery in future.

8. The parties agree that the following Clause 4(*iii*)(*b*) of the Government's order notified *vide* notification No. 8585(ST)/XXXVI-I—187(ST)-69, dated January 7, 1974 shall continue to be binding on the parties during the period of operation of this settlement :

"(*b*) Those factories which are giving free electricity to the workmen residing in their colony, shall continue to give this benefit on the following conditions :

Particulars of the House	*Free units per month of Electricity Allowed*
1. One roomed house . .	15
2. Two roomed house . .	20
3. Three roomed house . .	30

Extra consumption of electricity over the free units prescribed above against each type of house, shall be charged at cost price."

9. The workmen and the Federation representing them specifically agree that during the period of operation of this settlement, they will not raise any dispute or demand involving any financial liability on any Management, as all demands and disputes between the parties till the date of signing of this settlement stand fully and finally settled by this settlement.

10. The parties agree that this settlement will be applicable to all such workmen who are at present getting basic wage in the existing grades of pay and dearness allowance according to the Government's order, dated September 28, 1984 and *ad hoc increase* in the wage mentioned in the Clause No. 1 above. It is clarified that for applicability of this settlement, such workmen shall be the workmen who are employed directly by the Management as Principal Employer and not the workmen who are employed through a contractor.

11. The parties agree that this settlement shall be valid and binding on the parties for the period of three years i.e. from 1st September 1986 to 31st August, 1989 ; and will continue to remain binding on the parties till a two month's notice is given by one party to another party for terminating this settlement after 31st August 1989 and the period of such notice expires.

12. The parties agree that they will jointly request the Government of U.P. for issuing a notification under Section 3(*b*) of the U.P. Industrial Disputes Act, 1947, to make an order and direct both the parties to implement this settlement strictly according to the abovementioned Terms and Conditions of this Settlement.

Signed by the parties in New Delhi on January 27, 1987 in presence of witnesses.

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ANNEXURE 'A'

Grades of Distillery Workers as on 1st September, 1986

Sl. No.	Category	Standard Nomenclature	Existing Grades	Revised Grades
(1)	(2)	(3)	(4)	(5)
1	Unskilled	Mazdoor	105—1—118	620—5—645+V/DA
2	Semi-skilled	B Pumpman, Motor Attendant, Fitter, Helper, Workshop Helper, Manufacturing Attendant, Still Attendant, Boiler Mazdoor, Storeboy.	112—2.50—145	627—8.50—669.50
3	Semi-skilled	A Switch Board Attendant, Fireman, Khalasi, Warehouse, Jamadar, Assistant Fitter, Laboratory Assistant Daftari.	117—3—156	632—9.50—679.50
4	Skilled	C Yeastman, Engine Driver, Head Khalasi, Assistant Stillman, Mason, Carpenter, Blacksmith, Wireman, D.M. Plant Operator, Coppersmith.	127—5—192	642—12.50—704.50
5	Skilled	B Boiler Attendant IInd Class, Fitter, Turner, Welder, Truck and Car Driver.	160—7.50—258	675—16.50—757.50
6	Skilled	A Boiler Attendant Ist Class, Draftman, Senior Fitter, Senior Welder, Electrician, Stillman.	173—10—303	688—20.00—788.00
7	Clerk	B Record Keeper, Railway Clerk and Naityak Clerk, Movement Clerk, Record and Despatch Clerk, General Clerk.	127—5—192	642—12.50—704.50
8	Clerk	A Treasurer, Time Keeper, Store Keeper, Warehouse Agent, Accounts Clerk P.F. Clerk, Typist.	152—7.50—250	667—16.50—749.50
9	Highly Skilled	Steno-Typist	173—10—303	
		Office Superintendent, Personal Assistant, Accountant, Sales Incharge, Head Time Keeper, Store incharge, Warehouse Incharge and Bottling Incharge.	223—10—353	
		Chemist having B.Sc. Degree/ Diploma, Lab Chemist, Diploma Holder, Engineer and Stillman Incharge of Shift, Workshop Foreman, Electrical Foreman.	223—10—353	738—25—863.00
		Chemsit holding no B.Sc. Degree or Diploma and Engineer holding no Diploma, Electrical Supervisor, Laboratory Chemist without B.Sc. or Diploma.	198—7.50—296	

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[214] English translation of Avas Anubhag-3, Noti. No. 1395(6)/XXXVII-3—84-123 NKV-78, dated May 26, 1984, published in the U.P. Gazette, Extra., Part 4, Section (kha), dated 10th August, 1987

In pursuance of the provisions of clause (*g*) of Section 2 of the **Uttar Pradesh (Regulation of Building Operations) Act, 1958** (U.P. Act No. XXXIV of 1958), the Governor is pleased to appoint, with effect from the date of publication of this notification in the Gazette, the City Administrator, Tehri Dam Project, Tehri as the "Prescribed Authority" in respect of the regulated area, New Tehri Nagar declared as such under Government Notification No. 1395/XXXVII-3—84-123-NKV-78, dated May 26, 1984.

[215] English translation of Avas Anubhag-3, Noti. No. 4613/XXXVII-3—87-4-N.K.V.-81, dated December 31, 1987, published in the U.P. Gazette, Extra., Part 4, Section (kha), dated 31st December, 1987, p. 2

In exercise of the powers under sub-section (1) of Section 3 of **Uttar Pradesh (Regulation of Building Operations) Act, 1958** (U.P. Act No. XXXIV of 1958) read with Section 21 of Uttar Pradesh General Clauses Act, 1904 (U.P. Act No. I of 1904), the Governor is pleased to make the following amendments in Government Notification No. 1904/XXXVII-3—4-N.K.V.-81, dated August 17, 1982 :

Amendments

In the aforesaid notification (1) for the heading "REGULATED AREA" the following shall be *substituted*, namely :

"**Regulated Area Haldwani, Kathgodam**"

(2) For clause (B) the following clause shall be *substituted*, namely :

(B) Area falling within the limits of the following village of Tehsil Haldwani Kathgodam :

1. Loharia Saal Talla
2. Chinpur
3. Loharia Saal Malla
4. Kusumkhera
5. Chhadayal Nayak
6. Chhalayal Supai
7. Chhadayal Naya Aabad
8. Mukhani
9. Wamori Talli Khas
10. Vithhoria No. 1
11. Vithhoria No. 2
12. Haripur Sheel
13. Haripur Gangoo
14. Damuwadhunga Khas
15. Hiragarh Dalipsingh
16. Vyora
17. Khorta (Korsa)
18. Damuwa Dhunga Bandobasti
19. Bamori Malli
20. Bamori Bandobasti
21. Haripur Sukha
22. Maanpur Uttar
23. Dewalchaur Khas
24. Jaidevpur
25. Haripur Nayak
26. Harinagar
27. Jeetpur Negi
28. Maanpur Paschim
29. Maanpur Purva
30. Haldwani Talli
31. Gojajali Uttar
32. Gojajali Bichali

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[216] **English translation of Vitta (Manoranjan Kar) Anubhag, Noti. No. XXX-EB—6(2)-82—Vitta (Manoranjan Kar) Anubhag, dated February 22, 1986, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 25th February, 1986, pp. 2-3**

In exercise of the powers under sub-section (1) of Section 38 of the **Uttar Pradesh Entertainments and Betting Tax Act, 1979** (U.P. Act No. 28 of 1979), the Governor is pleased to make the following rules with a view to amending the Uttar Pradesh Entertainments and Betting Tax Rules, 1981.

1. **Short title and commencement.**—(1) These rules may be called, the **Uttar Pradesh Entertainments and Betting Tax (Fourth Amendment) Rules, 1986.**

(2) They shall come into force with effect from the date of their publication in the Gazette.

2. **Amendment of Rule 34.**—In the Uttar Pradesh Entertainments and Betting Tax Rules, 1981, for Rule 34 the following rule shall be *substituted*:

"*34. Refund of security.*—Where the proprietor of an entertainment sells or otherwise disposes of his business and ceases to be the proprietor of such entertainment for the purposes of the Act or where he discontinues his entertainment in the district where the security is deposited, the District Magistrate may, upon application, and after satisfying himself that no tax dues are outstanding and no case is pending for decision against the said proprietor under the Act or these rules, release the security and order the balance in the security deposit account to be refunded to the proprietor:

Provided that where the proprietor of an entertainment has already deposited certain amount of security which is subsequently reduced, the District Magistrate may, upon application, order the difference to be refunded to the proprietor."

[217] **English translation of Nagar Vikas Anubhag-2, Noti. No. 222/IX-2—86-3(18)-WSR-85, dated April 1, 1986, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 1st April, 1986, p. 2**

In exercise of the powers under Section 52 of the **Uttar Pradesh Water Supply and Sewerage Act, 1975** (U.P. Act No. 43 of 1975), read with Section 21 of the Uttar Pradesh General Clauses Act, 1904 (U. P. Act No. 1 of 1904) and in supersession of Government Notification No. 2359/IX-2—167-77, dated March 25, 1980, the Governor, after considering the recommendation of the Jal Nigam, is pleased to declare that the Allahabad Jal Sansthan shall levy the Water Tax and Sewerage Tax at the rates as mentioned in the Schedule below:

Schedule

Water Tax.—14 per cent of the assessed annual value of the premises.

Sewerage Tax.—4 per cent of the assessed annual value of the premises.

Notes.—(1) The following premises shall be exempted from payment of Sewerage Tax:

The premises or a part of a premises devoted exclusively for public worship, Graveyards, Mazars, Orphanages, Gaushalas, Dharmshalas which do not charge rent from the pilgrims, Paraos, registered public libraries.

2. A rebate of 10 per cent will be allowed if the payment of bill is made within fifteen days from the date of presentation thereof.

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[218] English translation of Nagar Vikas Anubhag-7, Noti. No. 303-A/XI-7—87-1-K(37)-83, dated April 16, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 30th April, 1987, p. 2

In exercise of the powers under Section 3 of the **Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959** (U.P. Act No. II of 1959), read with Section 21 of the Uttar Pradesh General Clauses Act, 1904 (U.P. Act No. 1 of 1904), the Governor is pleased to make the following amendment in Government Notification No. 4516-A/XI-7—86-1-K(37)-83, dated February 3, 1987, published in 1987 LLT. V-204 [107], regarding the constitution of the local area of the city of Lucknow.

Amendment

In the Schedule to the aforesaid notification in the description of the boundary in the east, the words and figures "Leaving the area of Charbagh, Alambagh Notified Area which has been sanctioned by Government Notification Number 707-7/XI-103-N, dated March 8, 1933" shall be *omitted*.

[219] English translation of Avas Anubhag-3, Noti. No. 1084/XXXVII-3—29-N.K.V.-86, dated May 12, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 12th May, 1987, pp. 3-5

In exercise of the powers under sub-section (2) of Section 13 of the **Uttar Pradesh Urban Planning and Development Act, 1973** (President's Act No. 11 of 1973), as re-enacted by the Uttar Pradesh President's (Re-enactment with Modifications) Act, 1974 (U.P. Act No. 30 of 1974), the Governor is pleased to make the following amendments in the Master Plan.

Schedule

1. Planning District 'A' of Lucknow Master Plan has been divided into A-1 and A-2.

Zoning and Sub-Division Regulations for Sub-District A-1 of Planning District A.

1.1 Density of 250 persons per acre is prescribed for the entire land earmarked for residential use in the Master Plan. For plotted development other zoning and sub-division regulations shall be in accordance with the provisions of the Master Plan. Construction up to three storeys may be permitted.

1.2 For Group Housing Development, density of 300 person per acre with 150 F.A.R. and ground coverage up to 35 per cent is prescribed.

For Group Housing Development, the minimum plot area of 1000 Sq. mt. has been fixed and other conditions would be regulated by the zoning and sub-division regulations framed for Lucknow Development area.

Zoning and Sub-Division Regulations for Sub-District A-2 of Planning District A.

1.3 Density of 100 persons per acre is prescribed for the entire land earmarked for residential use in the Master Plan. Plotted development will be in accordance with the provisions of the Master Plan and construction up to three storeys may be permitted.

1.4 Density of 125 persons per acre is prescribed for group housing with the condition of 150 F.A.R. and ground coverage up to 35 per cent construction up to three storeys may be permitted.

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For Group Housing Development, the minimum plot area of 1000 sq. mt. has been fixed and other conditions would be regulated by the zoning and sub-division regulations framed for Lucknow Development area.

2. Zoning and Sub-Division Regulations for Commercial and Office Land Uses.

2.1 In sub-district A-1 of planning district A, for proposed commercial and office uses for the plots of all sizes, if the ground coverage is kept 35 per cent the F.A.R. permissible shall be 200 but if the ground coverage is reduced to 25 per cent, the F.A.R. shall be 250. If, however, the ground coverage is further reduced to 20 per cent the permissible F.A.R. shall be 300.

3. Zoning and Sub-Division Regulations for Residential Development in Planning District 'B', 'C', 'D' and 'E'

3.1 Population density of 250 persons per acre is prescribed for each of the Planning Districts 'B', 'C', 'D' and 'E'. Plotted development will be in accordance with the provisions of the Master Plan. Construction up to three storeys may be permitted.

3.2 For group housing development a density of 300 persons per acre is prescribed with 150 F.A.R. and ground coverage up to 35 per cent.

3.3 For group housing development, the minimum plot area of 1000 Sq. mt. has been fixed and other conditions would be regulated by the zoning and sub-division regulations approved for Lucknow Development area.

4. Zoning and Sub-Division Regulations for Commercial and Office Uses in Planning Districts 'B', 'C', 'D' and 'E'.

4.1 For plots of an area of more than 1000 Sq. mt. under commercial and office uses in planning district B, C, D and E 250 F.A.R. and ground coverage up to 25 per cent shall be permitted.

4.2 For plots of an area of 1000 Sq. mt. or less under commercial and office uses in planning districts B, C, D and E, 200 F.A.R. and ground coverage up to 35 per cent shall be permitted.

Notes

1. Under the commercial and office land uses basement which shall be included in the F.A.R. can be sanctioned equivalent to the ground coverage. But it will be included in the F.A.R. If the basement is used for parking only, it shall not be taken into account for the purpose of calculation of F.A.R. The Authority shall, in normal circumstances, handover the management of the aforsaid parking to the promoter of the project or the owner but it should be ensured that this area of parking is not converted to any other use.

2. For construction of multi storeyed buildings, no objection certificate from the Fire Office will be necessary.

3. For Group Housing, zoning and sub-division regulations shall be in accordance with the provisions of the Master Plan.

4. Residential Colony up to 25 acres in area can have 3 per cent of land for commercial uses with 100 F.A.R. and ground coverage upto 40 per cent.

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5. A residential colony of more than 25 acres in area can have 2 per cent of land for commercial use with 100 F.A.R. and ground coverage up to 40 per cent.

[220] English translation of Dugdha Vikas Anubhag, Noti. No. 1186/XII-Du. Vi.—13-87, dated May 20, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 20th May, 1988, pp. 3-4

Whereas, the State Government is of opinion that it is necessary and expedient so to do for maintaining and increasing supplies and securing equitable distribution and availability at fair prices in the State of Fluid Milk, a commodity essential to the life of the community;

Now, therefore, in exercise of the powers under Section 15 of the **Uttar Pradesh Milk Act, 1976** (U.P. Act No. 7 of 1976), the Governor is pleased in the public interest, to make the following order:

1. **Short title, extent and commencement.**—(1) This order may be called the **Uttar Pradesh Milk and Milk Products Regulation Order, 1987.**

(2) It extends to the following regions:

Region (1) Districts Muzaffarnagar and Saharanpur.

Region (2) Lucknow, Barabanki, Rae Bareli, Hardoi, Sitapur, Sultanpur, Kanpur Dehat, Kanpur Nagar, Etawah, Fatehpur, Unnao, Pratapgarh, Allahabad, and Jalaun Districts.

Region (3) Agra, Aligarh and Etah districts.

Region (4) Meerut, Ghaziabad, Bulandshahr, Moradabad, Rampur, Bareilly and Budaun districts.

Region (5) Ghazipur, Mirzapur, Ballia, Jaunpur and Varanasi districts.

Region (6) Districts Basti and Gonda.

(3)) This order shall come into force with effect from May 20, 1987, and shall remain in force till July 31, 1987 unless withdrawn earlier.

2. **Prohibition of manufacture, sale, supply and export of milk and milk products.**—(1) No person,—

in the limit of municipal corporations and municipalities of regions 1 to 6 specified in sub-clause (2) of Clause 1 of this order, and

(2) No dairy licenced under Section 11 of the Uttar Pradesh Milk Act, 1976 (Act No. 7 of 1976).

in the limits of the districts of the regions specified in sub-clause (2) of Clause 1 of this order,

shall,

(*a*) Use milk of any kind for the manufacture of any milk product for commercial purposes, or

(*b*) Sell or supply or cause to be sold or supplied any milk product for commercial purposes, or

(*c*) export or attempt to export or abet the export of milk and milk product of any kind from any one region specified in sub-clause (2) of Clause 1 of this order to any place outside the boundaries of

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that region, except in accordance with a permit issued by the State Government or any officer authorised in this behalf by the State Government :

Provided that nothing in this clause shall apply—

(*i*) to the use of milk for manufacture of and to the sale or supply of separated or skimmed milk by the persons engaged in public distribution thereof, or

(*ii*) to the use of milk for manufacture of and to the sale, supply or export of—

(*a*) Ghee from butter or from the cream derived in preparation of such separated or skimmed milk ; or

(*b*) Dahi, or

(*c*) Ice cream, Kulfi, or Kulfa in the preparation of which no Khoa ; rubree or cream is used, or

(*iii*) to the use of milk for the manufacture of and to the sale, supply or export of infant milk food or any bye-product like cream (including the derivatives such as butter or ghee) produced in the process of manufacture of such infant milk food, or

(*iv*) to the use of milk for the manufacture of and to the sale, supply or export of cream, butter cheese (paneer) or ghee by dairies engaged in the pasteurisation, sterilization and standardisation of liquid milk for public distribution in the State, or

(*v*) to the manufacture, sale, or supply of Khoa or any product manufactured from it, in the following areas of the districts of the regions specified in sub-section (2) of Clause 1 of this order :—

Municipal limit of Haridwar of district Saharanpur, Municipal limit of Misrikh of district Sitapur, Municipal limit of Budaun of district Budaun, Municipal corporation limit of Allahabad of district Allahabad, Municipal Corporation limit of Varanasi of district Varanasi Vindhayachal ward municipal board Mirzapur of district Mirzapur, or

(*vi*) to the export of liquid milk to the Union Territory of Delhi for consumption in Delhi, or

(*vii*) to the export of milk not exceeding 10 kilograms in weight at one time by a bona fide traveller for personal consumption :

Provided further that the District Magistrate may, on being satisfied, issue permit to any dairy located within his jurisdiction for the manufacture, sale, supply or export of such milk products to such extent as are supplied to the defence forces including by products and derivatives produced in the process of manufacture of such product :

Provided also that the Milk Commissioner, Uttar Pradesh shall after due verification issue permit to any person to sell, supply or export milk, products manufactured before commencement of this order.

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[221] **English translation of Avas Anubhag-3, Noti. No. 306/XXXVII/-3—87-1 RA-87, dated July 15, 1987, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 15th July, 1987, p. 2**

Whereas the State Government is of opinion that the following area in district of Basti required to be regulated under the **Uttar Pradesh (Regulation of Building Operations) Act, 1958** (U.P. Act No. XXXIV of 1958), with a view to the prevention of bad laying out of land, haphazard erection of buildings and growth of sub-standard colonies and with a view to the development and expansion of the said area according to the proper planning :

Now, therefore, in exercise of the powers under sub-section (1) of Section 3 of the said Act, the Governor is pleased to declare the following area to be regulated area :

Regulated Area Maghar—Khalilabad

A—Area falling within the limits of Khalilabad Municipality ;

B—Area falling within the limits of Maghar Town Area.

C—Area falling within the limits of the following villages of *Tehsil Khalilabad District Basti*—

1. Sarraiya
2. Gaurapar
3. Misraulia
4. Pathkhauli
5. Madya
6. Banjaria
7. Nedula
8. Sarauli
9. Mailani
10. Mohiuddinpur
11. Belwania
12. Digha
13. Dhaurahra
14. Kuinkol
15. Ghanshyampur
16. Kasba Maghar
17. Rasoolabad
18. Quazipur
19. Mohammadpur urf Kathar
20. Rasulpur
21. Bayara
22. Semra
23. Bhainsahiya
24. Manjharia
25. Nehia Khurd Buzurg
26. Katbandh
27. Utraulia
28. Kasaila
29. Ghauspur
30. Gorakhar
31. Baniabari
32. Marna
33. Sadiqganj
34. Matehna
35. Uska Khurd
36. Uska Kalan

[222] **English translation of Khadya Tatha Rasad Anubhag-7, Noti. No. 2841/XXIX-7—91(EC)-83—Order-Act-X-1955, dated July 18, 1988, published in the U.P. Gazette, Extra., Part-4, Section (ka), dated 18th July, 1988, p. 2**

Whereas, the State Government is of opinion that it is necessary and expedient so to do for maintaining supplies of tea, and essential commodity, and for securing its equitable distribution ;

Now, therefore, in exercise of the powers under Section 3 of the **Essential Commodities Act, 1955** (Act No. X of 1955), read with the Government of India Ministry of Agriculture and Irrigation (Department of Food) Order No. GSR. 800, dated June 9, 1978 and also Government of India Ministry of Commerce No. S.O. 9(E), dated January 7, 1984, S.O. 807(E), dated November 4, 1985 and S.O. 891(E), dated October 7, 1987, the Governor is pleased to make the following Order, namely :—

1. **Short title, commencement and extent.**—(1) This order may be called the **Uttar Pradesh Tea (Registration of Dealers and Declaration of Stocks) (Amendment) Order, 1988** :

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(2) It shall come into force at once.

(3) It extends to the whole of Uttar Pradesh.

2. Amendment of Paragraphs 3 and 4.—In the Uttar Pradesh Tea (Registration of Dealers and Declaration of Stocks) Order, 1984 in paragraphs 3 and 4, for the figure and word '3,000 Kilograms' the figure and word '5,000 Kilograms' shall be *substituted*.

[223] English translation of Krishi Anubhag-2, Noti. No. 6309/XII-2—F. 1-85, dated July 28, 1988, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 28th July, 1988, p. 2

In exercise of the powers under Clause 29 of the **Fertilizer (Control) Order, 1985**, read with Section 21 of the General Clauses Act, 1897 (Act No. 10 of 1897) and in revocation of Notification No. 633/XII-2—Ferti-4-83, dated June 30, 1983 and No. A. 7804/XII-5—25(136)-73, dated August 24, 1973, the Governor is pleased to order that the samples of fertilisers drawn by an Inspector of Fertiliser appointed by the State Government under Clause 27 of the said Order, shall be analysed in any of the following laboratories in accordance with the procedure laid down in schedule II of the said order :

1. Fertiliser and Pesticides Quality Control Laboratory, Lucknow.
2. Fertiliser and Pesticides Quality Control Laboratory, Varanasi.
3. Fertiliser and Pesticides Quality Control Laboratory, Meerut.
4. Regional Soil Testing Laboratory, Meerut.
5. Regional Soil Testing Laboratory, Agra.
6. Regional Soil Testing Laboratory, Bareilly.
7. Regional Soil Testing Laboratory, Allahabad.
8. Regional Soil Testing Laboratory, Jhansi.
9. Regional Soil Testing Laboratory, Varanasi.
10. Regional Soil Testing Laboratory, Gorakhpur.
11. Regional Soil Testing Laboratory, Lucknow.
12. Regional Soil Testing Laboratory, Faizabad.
13. Regional Soil Testing Laboratory, Nainital.
14. District Soil Testing Laboratory, Aligarh.
15. District Soil Testing Laboratory, Almora.

[224] English translation of Shram Anubhag-3, Noti. No. 2052/XXXVI-3—7(S)-87, dated August 3, 1988, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 3rd August, 1988, pp. 2-3 [P][L]

In exercise of the powers under Section 40 of the **Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962** (U.P. Act No. XXVI of 1962), the Governor is pleased to make the following rules after their previous publication with Government Notification No. 3817/XXXVI-3—7(S)-87, dated February 4, 1988 as required under sub-section (3) of the said section and Act :—

1. Short title and commencement.—(1) These rules may be called the **Uttar Pradesh Dookan Aur Vanijya Adhishthan (Chaturth Sanshodhan) Niyamawali, 1988.**

(2) They shall come into force with effect from the date of their publication in the Gazette.

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2. **Amendment of Rule 2-A.**—In the Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamawali 1963, in Rule 2-A, for the existing sub-rules (4) and (8) the following sub-rules shall be *substituted*, namely :—

"(4) Every owner of a shop or commercial establishment shall get his shop or commercial establishment registered or renewed for three financial years under this Act on payment of prescribed fee. The shops and commercial establishments which are run on yearly contract basis shall pay the prescribed fee for that financial year only for which the contract has been given.

(8) Late fee on Application for Registration Certificate and its renewal, if an application for registration of a shop or Commercial establishment is not received within the period, specified under sub-section (1) of Section 4-B of the Act, or an application for renewal of the registration is not received before the date on which the registration expires such registration or renewal, as the case may be, shall be made only on payment of a late fee at the rate of ten per cent of the annual fees for registration or renewal per month in respect of that particular financial year/years for which the default is made in addition to the prescribed fees. The late fee shall accompany the application."

[225] **English translation of Panchayati Raj Anubhag-2, Noti. No. 3420-B/XXXIII-2—53-G-88, dated August 16, 1988, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 16th August, 1988, p. 2**

In pursuance of the provisions of Rule 2 of the **U.P. Kshettra Samitis (Representation of Certain Categories of members of Parliament and State Legislature) Rules, 1962** the Governor hereby requires :—

(*a*) every such member of the House of the people or of the State Legislative Assembly who resides in a district but whose constituency includes no rural area ; and

(*b*) every such member of the Council of State or the State Legislative Council whose place of residence is in a district but not in the rural area ; to choose any khand, for the purposes of Section 6 of the Uttar Pradesh Kshettra Samitis and Zila Parishad Adhiniyam, 1961 (U.P. Act No. XLIII of 1961) from the district in which he resides, and send an intimation thereof under registered post acknowledgement due to the District Magistrate by September 5, 1988.

[226] **Karyalaya Chakbandi Ayukta, U. P., Noti. No. 9300-G/205—56-87, dated October 16, 1987, published in the U. P. Gazette, Part 1-ka, dated 6th February, 1988, pp. 384-385.**

चूंकि मुजफ्फरनगर जिले की बुढ़ाना तहसील में पुनः चकबन्दी कराने से सम्बन्धित उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5 सन् 1954) की धारा 4-क की उपधारा (1) के अधीन अधिसूचना सं० 65/41-83 (671), दिनांक 25 अक्तूबर, 1985 प्रकाशित की जा चुकी है।

अतएव, सरकारी विज्ञप्ति सं० 65/48-77—राजस्व-8, दिनांक 11 जून, 1980 के साथ पठित उपर्युक्त अधिनियम की धारा 4-क की उपधारा (2) के अधीन अधिकारों का प्रयोग करके मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ राज्य सरकार के पूर्वानुमोदन से एतद्द्वारा विज्ञापित करता हूं कि तहसील बुढ़ाना, जिला मुजफ्फरनगर के नीचे दी गई अनुसूची में उल्लिखित गांवों में चकबन्दी क्रियायें पुनः आरम्भ करने का विनिश्चय किया गया है।

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ग्रामों की सूची

जिला मुजफ्फरनगर, तहसील बुढ़ाना, परगना कांधला, ग्रामों के नाम—1. पोहकरपुर। 2. गंगेरू। 3. कासमपुर बांगर। 4. खेड़ा कुरतान। 5. ईसापुर। 6. बसी। 7. डुन्डूखेड़ा बोंगर। 8. डुढार। 9. अम्बेहटा। 10. अशदपुर। 11. बामनौली। 12. आल्दी। 13. गूजरपुर। 14. खन्दरावली। 15. खेड़ी सालाह। 16. चक दुम्बाखेड़ी। 17. फतेहपुर। 18. कांधला। 19. चढ़ाव। 20. इस्लामपुर घसौली। 21. फजेलपुर। 22. मलकपुर। 23. ब्रह्मखेड़ा। 24. शेरपुर। 25. रसूलपुर गुजरान। 26. सल्फा। 27. मीमला। 28. लाहौरीपुर। 29. पिंजोखरा। 30. मतनावली। 31. किनावा। 32. जसाला। 33. रामपुर खेड़ी। 34. हुरमजपुर। 35. नाला। 36. एलम। 37. भारसी। 38. कनियान। 39. थनेडा। 40 ताहरपुर भबीसा।

[227] **Karyalaya Chakbandi Ayukta, U. P. Noti. No. 9299/G—205-56, dated October 16, 1987, published in the U. P. Gazette, Part 1-ka, dated 6th February, 1988, p. 384.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई० ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके, मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील बुढ़ाना, जिला मुजफ्फरनगर के नीचे दी गई अनुसूची में उल्लिखित गांवों में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

ग्रामों की सूची

जिला मुजफ्फरनगर, तहसील बुढ़ाना, परगना कांधला, ग्रामों के नाम—1. कासमपुर खादर। 2. डुन्डूखेड़ा खादर।

[228] **Karyalaya Chakbandi Ayukta, U. P. Noti. No. 8901/G—154-70, dated October 8, 1987, published in the U. P. Gazette, Part 1-ka, dated 6th February 1988, p. 382.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके मैं, एस दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील व परगना उतरौला के ग्राम किलौली, जिला गोंडा में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

[229] **Karyalaya Chakbandi Ayukta, U. P., Noti. No. 8993/G—167·59-86, dated October 9, 1987, published in the U. P. Gazette, Part 1-ka, dated 6th February, 1988 pp. 382-384.**

चूंकि कानपुर जिले की घाटमपुर तहसील में पुनः चकबन्दी कराने से संबंधित **उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953** (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4-क की उपधारा (1) के अधीन अधिसूचना सं० 41 (13)/2/85—793, दिनांक 29 अप्रैल, 1986 प्रकाशित की जा चुकी है;

अतएव, सरकारी विज्ञप्ति सं० 65/48/77—राजस्व-8, दिनांक 11 जून, 1980 के साथ पठित उपर्युक्त अधिनियम की धारा 4-क की उपधारा (2) के अधीन अधिकारों का प्रयोग करके मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ राज्य सरकार के पूर्वानुमोदन

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से एतद्द्वारा विज्ञापित करता हूं कि तहसील घाटमपुर, जिला कानपुर के नीचे दी गयी अनुसूची में उल्लिखित गांवों में, चकबन्दी क्रियायें पुन: आरम्भ करने का विनिश्चय किया गया है।

ग्रामों की सूची

जिला कानपुर, तहसील घाटमपुर, परगना घाटमपुर, ग्रामों के नाम—1. अरंजराम। 2. अरंजराय। 3. अरंजहामी। 4. अरंजबनकट। 5. अकबरपुर बरई। 6. असधना। 7. अमोर। 8. असैनिया। 9. ईटारोस। 10. उमरा। 11. उदईपुर। 12. उमरी। 13. ऐमनपुर। 14. कालेकापुरवा। 15. कुड़नी। 16. कुटिया। 17. करचुलीपुर। 18. कुन्दौली। 19. कुम्हाऊपुर। 20. कनहरा। 21. कुरथा। 22. काजीखेड़ा। 23. कमालपुर। 24. कैथा। 25. कुआंखेड़ा। 26. कुमखरा। 27. कोसाखेड़ा। 28. गाजीपुर। 29. गोपालपुर नरवल। 30. गोरी नरवल। 31. गौरी ककरा। 32. गुंगरा। 33. गूजा। 34. चिरली। 35. चतुरीखेड़ा। 36. चिरला। 37. चपरहटा। 38. चतुरी पुरवा। 39. चकसीहूपुर। 40. चक कासिमपुर। 41. छतरापुर। 42. छतरेखा। 43. जरसरा। 44. तारगांव नरबल। 45. तैलियावर। 46. तिवारीपुर साड़। 47. पताजपुर। 48. दोहरपुर। 49. देवरा। 50. देवसढ़। 51. दौलतपुर नरवल। 52. धरमपुर नरवल। 53. धमनाबुजुर्ग। 54. निवादा उजागर। 55. निवादा भरमुआ। 56. नरायनपुर साढ़। 57. निविया। 58. नवही। 59. पासी खेड़ा। 60. पालपुर। 61. पसेमा। 62. पचखुरा। 63. पतारी। 64. परौरी। 65. फैजुल्लापुर। 66. बैजपुर। 67 बेहटा गम्भीरपुर। 68. बेरीखेड़ा। 69. बरईगढ़। 70. बारीगांव। 71. बिरसिंहपुर। 72. बिरहर। 73. बंजारी। 74. बीरनखेड़ा। 75. बेहटाबुजुर्ग। 76. बोहूपुर। 77. बौहार। 78. बरीपुर। 79. बरीमहसैन। 80. भदवारा। 81. भीतरगांव। 82. भेलसा। 83. मोहम्मदपुर नरवल। 84. मोहसिनपुर। 85. मलखानपुर। 86. महोलिया। 87. मेहरौली। 88. मोहीपुर। 89. मनिहारपुर। 90. मिलिकिनपुर। 91. मोहम्मदपुर घाटमपुर। 92. मड़ेपुर। 93. रसुलपुर उमरा। 94. रातेपुर। 95. राजेपुर। 96. रसूलपुर जाजमऊ। 97. रावतपुर। 98. रक्सा। 99. रार। 100. लखमन खेड़ा। 101. ललौली। 102. लाखनखेड़ा। 103. शाह। 104. शाहपुर। 105. सुन्दरपुर। 106. साढ़। 107. संडौली। 108. शाखाहारी। 109. सूलपुर। 110 सचोली। 111. सरवांगपुर। 112. सिकहुलां। 113. सीहूपुर। 114. सिमरा। 115. हाजीपुर पकरा। 116. हाजीपुर कदीम। 117. हरवंशपुर। 118. हंसकर। 119. हुसैना।

[230] Karyalaya Chakbandi Ayukta, U. P. Noti. No. 1542/G—151-72, dated February 9, 1988, published in the U. P. Gazette, Part 1-ka, dated 30th April, 1988, p. 1200.

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील व परगना मऊरानीपुर, ग्राम देवरी सिंह पुरा, जिला झांसी में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

[231] Karyalaya Chakbandi Ayukta, U. P., Lucknow, Noti. No. 8398/G—151-72, dated August, 27, 1987, published in the U. P. Gazette, Part 1-ka, dated 9th January, 1988, p. 143.

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथाप्रतिनिहित अधिकारों का प्रयोग करके मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील व परगना मऊरानीपुर के

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ग्राम बुखारा, जिला झांसी में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

[232] **Karyalaya Chakbandi Ayukta, U.P., Noti. No. 2909/G—227-62, dated March 18, 1988, published in the U.P. Gazette, Part 1-ka, dated 21st May, 1988, p. 1443.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, **1953** (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई० ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके, मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील, खलीलाबाद परगना, महुली पूरब, के ग्राम बहराड़ाडी, तप्पा, सेमरी, जिला बस्ती में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

[233] **Karyalaya Chakbandi Ayukta, U.P., Noti. No. 2924/G—351-60, dated March 19, 1988, published in the U.P. Gazette, Part 1-ka, dated 21st May, 1988, p. 1446**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, **1953** (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई० ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके, मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील बलिया, जिला बलिया के नीचे दी गई अनुसूची में उल्लिखित गांवों में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया है:—

ग्रामों की सूची

जिला	तहसील	परगना	क्रमांक	नाम ग्राम	वर्तमान गाटा सं०	कृषिक क्षेत्रफल
1	2	3	4	5	6	7
बलिया	बलिया	बलिया	1	माल्देपुर	1325	204
			2	सवरुबांध	1660	557
			3	किशुनी पुर	348	62
			4	खोरीपाकड़	403	68
			5	सरफुद्दीनपुर	180	10
			6	देवरिया कला	415	108

[234] **Karyalaya Chakbandi Ayukta, U.P., Lucknow, Noti. No. 4337/G—152-70, dated April 29, 1988, published in the U.P. Gazette, Part 1-ka, dated 16th July, 1988, p 1934.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई० ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथाप्रतिनिहित अधिकारों का प्रयोग करके मैं, एस० दास चकबन्दी संचालक, उत्तर प्रदेश लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील जालौन, जिला जलौन के नीचे दी गई अनुसूची में उल्लिखित गांवों में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया:

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ग्रामों की सूची

जिला जालौन, तहसील जालौन, परगना जालौन, ग्रामों के नाम—1. असहना। 2. ऊंचा। 3. करईया। 4. करमुखा मुस्तकिल। 5. कनार। 6. करमरा। 7. कुंसेपुरा। 8. गतहरी। 9. गुढा। 10. घराना। 11. नरौल। 12. पुरा। 13. विजुवाहा। 14, बेरा। 15. महोई। 16. महोबा। 17. मैलावली। 18. महटौली। 19. महूटा। 20. मेगनी। 21. मचकछा। 22. रोमई मुस्तकिल। 23. रैपुरा। 24. रंगपुरा। 25. शंकरपुर गांव मुस्तकिल। 26. सिकरी। 27. सीपुरा मुस्तकिल। 28. सिद्पुरा। 29. सिलौआ। 30. सूपा नुनायचा। 31. हिनौली मुस्तकिल। 32. हरशंकरपुर मुस्तकिल।

[235] **Karyalaya Chakbandi Ayukta, U.P., Lucknow, Noti. No. 4354/G—152-A-63, dated April 29. 1988, published in the U P. Gazette, Part 1-ka, dated 16th July, 1988, p. 1934.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/ सी० एच० आई० ई० --454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके, मैं, एस० दास, चकबन्दो संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील सुलतानपुर, जिला सुलतानपुर के नीचे दी गई अनुसूची में उल्लिखित गांवों में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया:

ग्रामों की सूची

जिला सुलतानपुर, तहसील सुलतानपुर, परगना मीरानपुर, ग्रामों के नाम—1. मड़हा। 2. खाझापुर। 3. खादर बसन्तपुर।

[236] **Karyalaya Chakbandi Ayukta, U.P., Lucknow, Noti. No. 4476/G—163-70, dated May 5, 1987, published in the U.P. Gazette, Part 1-ka, dated 16th July, 1988, p. 1935.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई० ई०— 454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके, मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील मेजा, परगना खैरागढ़, जिला इलाहाबाद के ग्राम बिसहिजन कलां में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

[237] **Karyalaya Chakbandi Ayukta, U.P., Lucknow, Noti. No. 4625/G—176-66, dated May 12, 1988, published in the U.P. Gazette, Part 1-ka, dated 16th July, 1988, p. 1935.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953, (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई० ई०— 454-53, दिनांक 21 नवम्बर 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके, मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील चन्दौली, जिला वाराणसी के नीचे दी गई अनुसूची में उल्लिखित गांवों में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

ग्रामों की सूची

जिला वाराणसी. तहसील चन्दौली, परगना मझवार, ग्रामों के नाम—1. कुरई। 2. गौरी।

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[238] **Karyalaya Chakbandi Ayukta, U.P., Lueknow, Noti. No. 4626/G—357-60, dated May 12, 1988, published in the U.P. Gazette, Part 1-ka, dated 16th July, 1988, p. 1935.**

उत्तर प्रदेश जोत चकन्बदी अधिनियम, **1953** (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई० ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके, मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील एटा, परगना मारहरा, जिला एटा के ग्राम शहबाजपुर में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

[239] **Karyalaya Chakbandi Ayukta, U.P., Lucknow, Noti. No. 4627/G—153-67, dated May 12, 1988, published in the U.P. Gazette, Part 1-ka, dated 16th July, 1988, p. 1935.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, **1953** (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई० ई०—454-53, दिनांक 31 नवम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके, मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील सलोन, जिला रायबरेली के नीचे दी गई अनुसूची में उल्लिखित गांवों में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

ग्रामों की सूची

जिला रायबरेली, तहसील सलोन, परगना, सलोन, ग्रामों का नाम—1. औटहिया। 2. कमालापुर। 3. खैराबाद। 4. गनेशपुर। 5. पामरगंज। 6. बगहा। 7. मीरजहांपुर। 8. शिकोहाबाद।

[240] **Karyalaya Chakbandi Ayukta, U.P., Lucknow, Noti. No. 4629/G—153-68, dated May 12, 1988, published in the U.P. Gazette, Part 1-ka, dated 16th July, 1988, p. 1935.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, **1953** (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई० ई०—454-53, दिनांक 21 नबम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके, मैं, एस० दास, चकवन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील पट्टी, जिला प्रतापगढ़ के नीचे दी गई अनुसूची में उल्लिखित गांवों में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

ग्रामों की सूची

जिला प्रतापगढ़, तहसील पट्टी, परगना पट्टी, ग्रामों के नाम—1. पूरे सांवल। 2. खुजहा। 3. अंतरी।

[241] **Karyalaya Chakbandi Ayukta, U.P., Lucknow, Noti. No. 4630/G—242-63, dated May 12, 1988, published in the U.P. Gazette, Part 1-ka, dated 16th July, 1988, p. 1936.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, **1953** (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई० ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके, मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील भेजा, परगना, खैरागढ़,

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जिला इलाहाबाद के ग्राम नथऊपुर में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

[242] **Karyalaya Chakbandi Ayukta, U.P., Lucknow, Noti. No. 4631/G—163-70, dated May 12, 1988, published in the U.P. Gazette, Part 1-ka, dated 16th July, 1988, p. 1936.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1954 (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई० ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके, मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील कैसरगंज, जिला बहराइच के नीचे दी गई अनुसूची में उल्लिखित गांवों में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

ग्रामों की सूची

जिला बहराइच, तहसील कैसरगंज, परगना हिसामपुर, ग्रामों के नाम—1. खेढ़ा। 2. खनेहटा। 3. शाहबाजपुर भरथा। 4. डिहवा खुर्द। 5. मनकापुर। 6. नियामूपुर। 7. बसहिया जगत।

परगना फखरपुर, ग्राम का नाम—8. भौरी।

[243] **Karyalaya Chakbandi Ayukta, U.P., Lucknow, Noti. No. 4632/G—211-62, dated May 12, 1988, published in the U.P. Gazette, Part 1-ka, dated 16th July, 1988, p. 1936.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञाप्ति सं० 3741/सी० एच० आई० ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके, मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील संडीला, जिला इरदोई के नीचे दी गयी अनुसूची में उल्लिखित गांवों में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

ग्रामों की सूची

जिला हरदोई, तहसील संडीला, परगना संडीला, ग्रामों के नाम—1. उसराह। 2. कुतुबापुर। 3. खरिका। 4. खेरवा। 5. धुसपहा। 6. चांदा बैंजा। 7. फलेपुर पथरौली पूर्व। 8. बधुवामऊ। 9. रिठवें। 10. सरवें।

[244] **Karyalaya Chakbandi Ayukta, U.P., Lucknow, Noti. No. 4634/G-32-54-82, dated May 12, 1988, published in the U.P. Gazette, Part 1-ka, dated 16th July, 1988, p. 1936.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई० ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके, मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील भिनगा, जिला बहराइच के नीचे दी गयी अनुसूची में उल्लिखित गांवों में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

ग्रामों की सूची

जिला बहराइच, तहसील भिनगा, परगना भिनगा, ग्राम का नाम—1. चोबेपुरवा।

परगना तुलसीपुर, ग्रामों के नाम—2. कठ कुइयां। 3. मोतीपुर।

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[245] **Karyalaya Chakbandi Ayukta, U.P., Lucknow, Noti. No. 4635/G—176-A-59, dated May 12, 1918, published in the U.P, Gazette, Part 1-ka, dated 16th July, 1988, p. 1936.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई० ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके, मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील भिनगा, परगना तुलसीपुर, जिला बहराइच के ग्राम भोजपुर-बिल्सी में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

[246] **Karyalaya Chakbandi Ayukta, U.P., Lucknow, Noti. No. 4636/G—176-A-59, dated May 12, 1988, published in the U.P. Gazette, Part 1-ka, dated 16th July, 1988, p. 1936.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई० ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके, मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील केराकत, परगना केराकत, जिला जौनपुर के ग्राम बिझवार सागर में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

[247] **Karyalaya Chakbandi Ayukta, Uttar Pradesh, Lucknow, Noti. No. 4925/G—160-61, dated May 20, 1988, published in the U.P. Gazette, Part 1-ka, dated 2nd July, 1988, p. 1782.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई० ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके, मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील खैर, परगना टप्पल, जिला अलीगढ़, के ग्राम नरवारी में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

[248] **Karyalaya Chakbandi Ayukta, Uttar Pradesh, Lucknow, Noti. No, 4926/G-159-61, dated May 20, 1988, published in the U.P. Gazette, Part 1-ka, dated 2nd July, 1988, p. 1783.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई० ई०—454-53, दिनांक 21 नवम्बर 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके, मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील सिकन्दरा राऊ, परगना सिकन्दरा राऊ, जिला अलीगढ़ के ग्राम सुल्तानपुर खेड़ा, में उपर्युक्त अधिनियम के अधीन चकन्बदी क्रियायें आरम्भ करने का निश्चय किया गया।

[249] **Karyalaya Chakbandi Ayukta, Uttar Pradesh, Lucknow, Noti. No. 4927/G-266-56-87, dated May 20, 1988, published in the U.P. Gazette, Part 1-ka, dated 2nd July, 1988, p. 1783.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई० ई०—454-53, दिनांक 21 नवम्बर 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके, मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस

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विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील सदर, परगना हवेली तप्पा केवटली जिला गोरखपुर के ग्राम रकबा शिवपुर, में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने निश्चय किया गया।

[250] **Karyalaya Chakbandi Ayukta, Uttar Pradesh, Lucknow, Noti. No. 4972/G—155-68, dated May 21, 1988, published in the U.P. Gazette, Part 1-ka, dated 2nd July, 1988, p. 1783.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई० ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके, मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील बांसडीह, जिला बलिया के नीचे दी गई अनुसूची में उल्लिखित गांवों में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

ग्रामों की सूची

जिला बलिया, तहसील बांसडीह, परगना सि० पुर पूर्वी, ग्रामों के नाम—1. पुरुषोत्तम पट्टी। 2. जिन्दापुर।

[251] **Karyalaya Chakbandi Ayukta, Uttar Pradesh, Lucknow, Noti. No. 4973/G-155-68, dated May 21, 1988, published in the U.P. Gazette, Part 1-ka, dated 2nd July, 1988, p. 1783.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई० ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके, मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील बांसडीह, परगना फरीद, जिला बलिया, के ग्राम जमधरवा में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

[252] **Karyalaya Chakbandi Ayukta, Uttar Pradesh, Lucknow, Noti. No. 4974/G-249-64, dated May 21, 1988, published in the U.P. Gazette, Part 1-ka, dated 2nd July, 1988, p. 1783.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई० ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके, मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील खुर्जा, जिला बुलन्दशहर, के नीचे दी गई अनुसूची में उल्लिखित गांवों के उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

ग्रामों की सूची

जिला बुलन्दशहर, तहसील खुर्जा, परगना खुर्जा, ग्राम का नाम—1. नगला मुहईउद्दीनपुर।

परगना जेवर, ग्राम का नाम—2. छातंगा।

परगना पहासू, ग्राम का नाम—3. जालफी।

[253] **Karyalaya Chakbandi Ayukta, U.P., Lucknow, Noti. No. 4975/G—163-67, dated May 21, 1988, published in the U.P. Gazette, Part 1-ka, dated 2nd July, 1988, p. 1784.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई० ई०—

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एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील सदर, जिला प्रतापगढ़ के नीचे दी गई अनुसूची में उल्लिखित गांवों में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

ग्रामों की सूची

जिला प्रतापगढ़, तहसील सदर, परगना सदर, ग्रामों के नाम—.1 रत्तीपुर। 2. पथरहा।

[254] **Karyalaya Chakbandi Ayukta, U. P., Lucknow, Noti. No. 4982/G-163-65, dated 21, 1988, published in the U.P. Gazette, Part 1-ka, dated 2nd July, 1988, p- 1784.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी एच० आई० ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके, मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील हाटा, परगना सिधुआ जोबना, तप्पा बटेसरा, जिला देवरिया के ग्राम बुलहवा गांवों में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

[255] **Karyalaya Chakbandi Ayukta, U.P., Lucknow, Noti. No. 4983/G—153-70, dat8d May 21, 1988, published in the U.P. Gazette, Part 1-ka, dated 2nd July, 1988, p. 1784.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई० ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील किरावली, परगना किरावली, के ग्राम हंसपुरा, जिला आगरा में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

[256] **Karyalaya Chakbandi Ayukta, U.P., Lucknow, Noti. No. 4984/G—246-64, dated May 21, 1988, published in the U.P. Gazette, Part 1-ka, dated 2nd July, 1988, p. 1784.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम, सं० 1964) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञाप्ति सं० 3741/सी० एच० आई० ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके, मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील मौदहा, जिला हमीरपुर के नीचे दी गयी अनुसूची में उल्लिखित गांवों में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

ग्रामों की सूची

जिला हमीरपुर, तहसील मौदहा, परगना मुस्करा, ग्राम का नाम—1. चिलहटा जलीलपुर। 2. बांधुर खुर्दमुहालफरुख हुसेन। 3. बांधपुर खुर्दमुहाल महादेव।

[257] **Karyalaya Chakbandi Ayukta, U.P., Lucknow, Noti. No. 4985/G—163-67, dated May 21, 1988, published in the U.P. Gazette, Part 1-ka, dated 2nd July, 1988, p. 1784.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई० ई०—

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454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके, मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील हमीरपुर, परगना सुमेरपुर, जिला हमीरपुर के ग्राम कुन्डौरा में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

[258] Karyalaya Chakbandi Ayukta, U.P., Noti. No. 2670/G—15-80, dated March 15, 1988, published in the U.P. Gazette, Part 1-ka, dated 25th June, 1988, p. 1766.

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953, (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी बिज्ञप्ति सं० 3741-सी० एच०-आई० ई०—454-53, दिनाँक 21 नवम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील मुसाफिरखाना, परगना इसौली के ग्राम इसौली, जिला सुल्तानपुर में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

[259] Karyalaya Chakdandi Ayukta, U P. Noti. No. 2672/G—151-72, dated March 15, 1988, published in the U.P. Gazette, Part 1-ka, dated 25th June, 1988, p. 1766.

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953, (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741-सी० एच० आई० ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके, मैं, एस दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञपित करता हूं कि इस विज्ञाप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील व परगना मऊरानीपुर के ग्राम तुगरवारा, जिला झांसी में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

[260] Karyalaya Chakbandi Ayukta, U.P. Noti. No. 2675/G—357-60, dated March 16, 1988, published in the U.P. Gazette, Part 1.ka, dated 25th June, 1988, p. 1766.

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953, (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741-सी० एच० आई० ई० —454-53, दिनांक 21 नवम्बर 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके, मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील एटा, परगना-एटा सकीट के ग्राम जीसुखापुर सानी, जिला एटा में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

[261] Karyalaya Chakbandi Ayukta, U.P., Noti. No. 2676/G—157-70, dated March 16, 1988, published in the U.P. Gazette, Part 1-ka, dated 25th June, 1988, p. 1766.

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953, (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741-सी० एच० आई० ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील हरैया, जिला बस्ती के नीचे दी गई अनुसूची में उल्लिखित गांवों में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

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ग्रामों की सूची

जिला बस्ती, तहसील हरैया, परगना अमोढ़ा, तप्पा दुबौलिया ग्राम का नाम—1. सांड़पुर। परगना बस्ती पश्चिम, तप्पा अतरोह, ग्राम का नाम—2. भुइला।

[262] **Karyalaya Chakbandi Ayukta, U.P., Noti. No. 2922/G—166-65, dated March 18, 1988, published in the U.P. Gazette, Part 1-ka, dated 25th June, 1988, p. 1767.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741-सी० एच० आई० ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके मैं एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील लखीमपुर, जिला खीरी के नीचे दी गई अनसूची में उल्लिखित गांवों में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

ग्रामों की सूची

जिला खीरी, तहसील लखीमपुर, परगना श्रीनगर, ग्रामों के नाम—1. डेहुआ खुर्द। 2. जिगनिमा। 3. उसिया। 4. डोमनपुर। 5. मैनहा। 6. दुबैला।

परगना भूड़, ग्रामों के नाम—7. गूम। 8. खरा। 9. जंगल नं० 10। 10. जंगल नं 11

[263] **Karyalaya Chakbandi Ayukta, U. P., Noti. No. 2928/G—159-61, dated March 19, 1988, published in the U. P. Gazette, Part 1-ka, dated 25th June, 1988, p. 1767.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741—सी० एच० आई० ई०—454-53, दिनांक 21 नवम्बर 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके, मैं एस० दास, चकबन्दी संचालक, उत्तर प्रदेश लखनऊ एतद्द्वारा विज्ञपित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील सिकन्दराराऊ, परगना अकराबाद के ग्राम अकराबाद, जिला अलीगढ़ में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

[264] **Karyalaya Chakbandi Ayukta, U.P., Noti. No. 3174/G—157-70, dated March 28, 1988, published in the U.P. Gazette, Part 1-ka, dated 25th June, 1988, p. 1767.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741-सी० एच० आई० ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके, मैं एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील हरैया परगना अमोढ़ा, तप्पा दुबौलिया, जिला बस्ती के ग्राम रमना तौकीर में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

[265] **Karyalaya Chakbandi Ayukta, U.P., Lucknow, Noti. No. 4298/G—152-B-70, dated April 25, 1988, published in the U.P. Gszette, Part 1-ka, dated 9th July, 1988, p. 1908.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई० ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके, मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस

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विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील उरई, जिला जालौन के नीचे दी गयी अनुसूची में उल्लिखित गांवों में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

ग्रामों की सूची

जिला जालौन, तहसील उरई, परगना उरई, ग्रामों के नाम—1. बरहा जालौन। 2. व्यास पुरा।

[266] **Karyalaya Chakbandi Ayukta, U.P., Lucknow, Noti. No. 4299/G—184-66, dated April 25, 1988, published in the U.P. Gazette, Part 1-ka, dated 9th July, 1988, p. 1908.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई० ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके, मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील सगड़ी, जिला आजमगढ़ के नीचे दी गई अनुसूची में उल्लिखित गांवों में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

ग्रामों की सूची

जिला आजमगढ़, तहसील सगड़ी, परगना सगड़ी, ग्रामों के नाम—1. शाहडीह। 2. भदौरा खासतालु नैनीजोर। 3. बूढ़न पट्टी।

[267] **Karyalaya Chakbandi Ayukta, U.P., Lucknow, Noti. No. 4300/G—157-65, dated April 25, 1988, published in the U.P. Gazette, Part 1-ka, dated 9th July, 1988, p. 1908.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई० ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके, मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील जलालाबाद, परगना जलालाबाद, जिला शाहजहांपुर के ग्राम वजीरपुर में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

[268] **Karyalaya Chakbandi Ayukta, U.P., Lucknow, Noti. No. 4301/G—229-62, dated April 25, 1988, published in the U.P. Gazette, Part 1-ka, dated 9th July, 1988, p. 1908.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953, (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई० ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके, मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील हसनपुर, जिला मुरादाबाद के नीचे दी गयी अनुसूची में उल्लिखित गांवों में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

ग्रामों की सूची

जिला मुरादाबाद, तहसील हसनपुर, परगना हसनपुर, ग्रामों के नाम—1. अलीनगर। 2. अगपुरा। 3. इब्राहीमपुर माफी। 4. इमरतपुर। 5. इंकौना। 6. ईन्टा। 7. करनपुर खादर। 8. कोकाखेर। 9. कृपानाथपुर। 10. काई एहतमाली। 11. खरखौदा एहतमाली। 12. खोलिया पट्टी। 13. खेडकी खादर। 14. खोलिया खालसा। 15. ख्वाजेपुर एहतमाली।

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16. खुरतिया । 17. गंगा चौली मुस्तहकम । 18. गंगा चौली एहतमाली । 19. गुलालपुर मुस्तहकम । 20. गंगापुरी । 21. चाऊपुरा खादर । 22. चांदरा एहतमाली । 23. चचौरा । 24. चीला एहतमाली । 25. जल्लोपुर एहतमाली । 26. जैथल मुस्तहकम । 27. जहतौली एहतमाली । 28. जैथल एहतमाली । 29. जीवपुर एहतमाली । 30 जीवपुर मुस्तहकम । 31. ढकिया खादर । 32. ढेंकला । 33. दियावली खालसा । 34. दौलतपुर कलां । 35. दौलतपुर जनूबी । 36. नानई लिसड़ा एहतमाली । 37. पिपलौती कलां मुस्तहकम । 38. पिपलौती कलां एहतमाली । 39. पपसरा खादर । 40. पतेवा । 41. पतेई एमन । 42. पपसरी । 43. पहाड़पुर इनायत । 44. पुरसल । 45. पौरारा एहतमाली । 46. फिरोजाबाद । 47. फरौटा । 48. फतेहपुर खादर । 49. बिहारीपुर एहतमाली । 50. बांसका मदारीपुर । 51. बहादुरपुर मिस्सर । 52. भैंसरी । 53. भुवरा । 54. भोजपुरा । 55. भटना एहतमाली हाल । 56. भटैना मुस्तहकम । 57. मोहरका । 58. महरवानपुर । 59. मीरपुर डबका । 60. मुबारिजपुर । 61. मंगटा एहतमाली मुस्तहकम जदीद । 62. मिर्जापुर जनूबी । 63. रामपुर खादर मुस्तहकम जदीद एहतमाली । 64. रुस्तमपुर उर्फ रफायतपुर । 65. रफायतपुर । 66 लालापुर । 67. शाहपुर मजरा । 68. शहबाजपुर गूजर एहतमाली । 69. शाहपुर उर्फ साहबपुर । 70. शेरपुर मुस्तहकम । 71. शेरपुर एहतमाली । 72. सतैड़ा एहतमाली । 73. सुनपुरा कला । 74. सुनपुरा खुर्द । 75. सिरसा कलां एहतमाली साबिक । 76. सूबरा । 77. सलारा । 78. सिनथला । 79. सराय काजी । 80. हिरनौटा । 81. हाजीपुर खादर । 82. हैदरपुर एहतमाली ।

[269] **Karyalaya Chakbandi Ayukta, U.P., Lucknow, Noti. No. 4302/G—158-61, dated April 25, 1988, published in the U.P. Gazette, Part 1-ka, dated 9th July, 1988, p. 1909.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई० ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके, मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील कोल, परगना कोल, जिला अलीगढ़ के ग्राम रनूपुर में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया ।

[270] **Karyalaya Chakbandi Ayukta, U.P., Lucknow, Noti. No. 4304/G—156-61, dated April 25, 1988, published in the U.P. Gazette, Part 1-ka, dated 9th July, 1988, p. 1910.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 ((उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई० ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके, मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील नजीबाबाद, जिला बिजनौर के नीचे दी गई अनुसूची में उल्लिखित गांवों में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया ।

ग्रामों की सूची

जिला बिजनौर, तहसील नजीबाबाद, परगना नजीबाबाद, ग्रामों के नाम—1. अकबरपुर चौगवां एहतमाली । 2. इब्राहीमपुर जमालुद्दीन । 3. किशोरपुर एहतमाली ।

परगना किरतपुर, ग्राम का नाम—4. कवल नैनपुर ।

परगना नजीबाबाद, ग्राम का नाम—5. खैरुल्लापुर एहतमाली ।

परगना किरतपुर, ग्राम का नाम—6. ज्वाला चंडी ।

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परगना नजीबाबाद ग्रामों के नाम—7. प्रतापपुर । 8. पूरनपुर गढ़ी एहतमाली ।

परगना किरतपुर ग्राम का नाम—9. बादशाहपुर खोसी ।

परगना नजीबाबाद, ग्रामों के नाम—10. महावतपुर नत्था एहतमाली । 11. मोज्जमपुर तुलसी एहतमाली । 12. लालपुर मान ।

परगना किरतपुर, ग्राम का नाम—13. सादातनगर एहतमाली ।

परगना नजीबाबाद, ग्राम का नाम—14. हरस्वाड़ा एहतमाली ।

[271] **Karyalaya Chakbandi Ayukta, U.P., Lucknow, Noti. No. 4305/G—355-60, dated April 25, 1988, published in the U.P. Gazette, Part 1-ka, dated 9th July, 1988, p. 1910.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई० ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके, मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील अमरोहा, जिला मुरादाबाद के नीचे दी गई अनुसूची में उल्लिखित गांवों में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया ।

ग्रामों की सूची

जिला मुरादाबाद, तहसील, अमरोहा- परगना अमरोहा, ग्रामों के नाम—1. इस्माईलपुर । 2. चक फलेहदा उर्फ ईसापुर । 3. चक मझौला । 4. चक शिकरया उर्फ खेड़िया । 5. तुरमाफी । 6. फजलपुर । 7. मोहम्मदपुर भूड़ा । 8. मजूपुरा । 9. रामनगला उर्फ रानीपुर । 10. लतीफपुर ।

[272] **Karyalaya Chakbandi Ayukta, U.P., Lucknow, Noti. No. 4306/G—161-61, dated April 25, 1988, published in the U.P. Gazette, Part 1-ka, dated 9th July, 1988, p. 1910.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई० ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके, मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील सहारनपुर, जिला सहारनपुर के नीचे दी गई अनुसूची में उल्लिखित गांवों में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया ।

ग्रामों की सूची

जिला सहारनपुर, तहसील सहारनपुर, परगना सहारनपुर, ग्रामों के नाम.—1. घोघेरकी अहतमाल । 2. दरा शिवपुरी । 3. दरा मिलकाना । 4. बादलपुर । 5. मेघ छप्पर । 6. मौ० अमीपुर उर्फ दाउदपुर । 7. मानकपुर । ८. सड़क दूधली ।

परगना हरोड़ा, ग्रामों के नाम—9. अघरेड़ी मूसापुर । 10. अलिपुरा सम्भालकी मु० । 11. अलीपुरा । 12. कमालपुर अहतमाल । 13. खजूरी अकबरपुर अहतमाल । 14. गागलहेड़ी अहतमाल । 15. चौन्दा हेड़ी अहतमाल । 16. छुटमलपुर । 17. जटपुरा । 18. जजनेर अहतमाल । 19. तिवाया अहतमाल । 20. नूरूपुर अहतमाल । 21. पुन्डेन । 22. पाली अहतमाल । 23. बछेड़ी । 24. बढेड़ी घू घू अहतमाल । 25. बुढ़ा खेड़ी पुन्डीर अहतमाल । 26. बेलड़ा जुनारदार अहतमाल । 27. बहेड़की अहतमाल । 28. भैंसराऊ । 29. लखनौर अहतमाल । 30. लतीफपुर अहतमाल । 31. हलवाना अहतमाल । 32. हसनपुर भलसवा अहतमाल ।

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परगना फैजाबाद, ग्रामों के नाम—33 करहेड़ी। 34. टान्डा। 35. दवकौरा। 36. नानौली। 37. पठानपुर अहतमाल। 38. फैजाबाद। 39. बेरखेड़ी। 40. मलमजरा। 41. मलपुर। 42. रोगला हथौली। 43. रतनपुरा कल्यानपुर।

परगना मुजफराबाद ग्रामों के नाम—44. थापल इस्माईलपुर। 45. अब्दुल्लापुर। 46. रायपुर कलां।

[273] **Karyalaya Chakbandi Ayukta, U.P., Lucknow, Noti. No. 4314/G—159-70, dated April 25, 1988, published in the U.P. Gazette, Part 1-ka, dated 9th July, 1988, p. 1911.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई० ई०—सं० 454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके, में, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील कुन्डा, जिला प्रतापगढ़ के नीचे दी गई अनुसूची में उल्लिखित गांवों में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

ग्रामों की सूची

जिला प्रतापगढ़, तहसील कुन्डा, परगना बिहार, ग्रामों के नाम—1. नौबस्ता। 2. महराजपुर। 3. तिवारीपुर।

परगना मानिपुर, ग्रामों के नाम—4. राना पट्टी। 5. पाटीहार। 6. सुल्तानपुर। 7. रेउली। 8. बभनपुर।

[274] **Karyalaya Chakbandi Ayukta, U.P., Lucknow, Noti. No. 4315/G—117-65, dated April 25, 1988, published in the U.P. Gazette, Part 1-ka, dated 9th July, 1988, p. 1911.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई० ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके, मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील बिलग्राम, परगना बिलग्राम, जिला हरदोई के ग्राम धोंधी में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

[275] **Karyalaya Chakbandi Ayukta, U.P., Lucknow, Noti. No. 4316/G—351-60, dated April 25, 1988, published in the U.P. Gazette, Part 1-ka, dated 9th July, 1988, p. 1911.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई० ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके, मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील बलिया, परगना बलिया, जिला बलिया, के ग्राम चवंरी करन में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्यच किया गया।

[276] **Karyalaya Chakhandi Ayukta, U.P., Lucknow, Noti. No. 4318/G—154-70, dated April 25, 1988, published in the U.P. Gazette, Part 1-ka, dated 9th July, 1988, p. 1912.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई० ई०—

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454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके, मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनाँक से तहसील उतरौला, जिला गोन्डा के नीचे दी गई अनुसूची में उल्लिखित गांवों में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

ग्रामों की सूची

जिला गोन्डा, तहसील उतरौला, परगना उतरौला, ग्रामों के नाम—1. मझारी दूल्हा। 2. लखमा।

[277] **Karyalaya Chakbandi Ayukta, U.P., Lucknow, Noti. No. 3133/G—178-86, dated March 23, 1988, published in the U.P. Gazette, Part 1-ka, dated 23rd July, 1988 p. 1990.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई० ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथा प्रतिनिहित अधिकारों प्रयोग करके मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील बांसी, जिला बस्ती के नीचे दी गई अनुसूची में उल्लिखित गांवों में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

ग्रामों की सूची

जिला बस्ती, तहसील बाँसी, परगना बाँसी पूरब, तप्पा चंवर, ग्रामों के नाम—1. सोनखर। 2. गुल्हरिया राजा। 3. गुल्हरिया लाला।

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[278] **Karyalrya Chakbandi Ayukta, U.P., Lucknow, Noti. No. 3173/G—157-70, dated March 28, 1988, published in the U.P. Gazette, Part 1-ka, dated 23rd July, 1988, p. 1990.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई० ई०—454-53, दिनांक 21, नवम्बर 1963 द्वारा यथा प्रतिनिहित अधिकारों का प्रयोग करके मैं, एस० दास चकबन्दी संचालक, उत्तर प्रदेश लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील हरैया, जिला बस्ती के नीचे दी गई अनुसूची में उल्लिखित गांवों में उपर्युक्त अधिनियम के अधीन ग्रामों में चकबन्दी क्रियायें आरम्भ करने का निश्चय किया है।

ग्रामों की सूची

जिला बस्ती, तहसील हरैया, परगना अमोढ़ा, तप्पा बेलवा, ग्रामों के नाम—1. जोगापुर। 2. मांचा।

[279] **Karyalaya Chakbandi Ayukta, U.P., Lucknow, Noti. No. 4652/G—155-69-86, dated May 13, 1988, published in the U.P. Gazette, Part 1-ka, dated 23rd July, 1988, p. 1993.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई० ई०—454/53, दिनांक 21 नवम्बर 1963 द्वारा यथाप्रतिनिहित अधिकारों का प्रयोग करके मैं,

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एस० दास, चकबन्दी संचालक, एतद्द्वारा विज्ञापित करना हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील नौगढ़, परगना बांसी पूरब, तप्पा हाटा, जिला बस्ती के ग्राम बैरवा नानकार में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

[280] **Karyalaya Chakbandi Ayukta, U.P., Lucknow, Noti. No. 4918/G—175-66, dated May 20, 1988, published in the U.P. Gazette, Part 1-ka, dated 23rd July, 1988, p. 1993.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनिम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई० ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथा-प्रतिनिहित अधिकारों का प्रयोग करके मैं, एस० दास चकबन्दी संचालक, उत्तर प्रदेश लखनऊ, एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील मढ़ियाहूं, परगना बरसठी, जिला जौनपुर के ग्राम भैसहा में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

[281] **Karyalaya Chakbandi Ayukta, U.P., Lucknow, Noti. No. 4919/G—329-58-87, dated May 20, 1988, published in the U.P. Gazette, Part 1-ka, dated 23rd July, 1988, p. 1993-94.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई० ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथा-प्रतिनिहित अधिकारों का प्रयोग करके मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील बुलन्दशहर जिला बुलन्दशहर के नीचे दी गई अनुसूची में उल्लिखित गांवो में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

ग्रामों की सूची

जिला बुलन्दशहर, तहसील बुलन्दशहर, परगना बरन, ग्रामों के नाम—1, कौराली। 2. पचौता।

[282] **Karyalaya Chakbandi Ayukta, U.P., Lucknow, Noti. No. 4920/G—2-6 62, dated May 20, 1988, published in the U.P. Gazette, Part 1-ka dated 23rd July, 1988, p. 1994.**

उत्तर प्रदेश जोत चकबन्दी अधिनियम, 1953 (उत्तर प्रदेश अधिनियम सं० 5, 1954) की धारा 4 की उपधारा (2) के अधीन सरकारी विज्ञप्ति सं० 3741/सी० एच० आई० ई०—454-53, दिनांक 21 नवम्बर, 1963 द्वारा यथाप्रतिनिहित अधिकारों का प्रयोग करके मैं, एस० दास, चकबन्दी संचालक, उत्तर प्रदेश, लखनऊ एतद्द्वारा विज्ञापित करता हूं कि इस विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से तहसील अनूपशहर, जिला बुलन्दशहर के नीचे दी गई अनुसूची में उल्लिखित गांवों में उपर्युक्त अधिनियम के अधीन चकबन्दी क्रियायें आरम्भ करने का निश्चय किया गया।

ग्रामों की सूची

जिला बुलन्दशहर, तहसील अनूपशहर, परगना अहार, ग्राम का नाम—1. खानपुरा।

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[283] **English translation of Vitta (Bikri-kar) Anubhag-2, Noti. No. ST-II-7316/X-7(39)—87—U.P, Act-15/48—Order-88, dated October 31, 1988, published in the U.P. Gazette, Extra., Part-4, Section (kha), dated 31st October, 1988, p. 2**

In exercise of the powers under Section 4 of the **Uttar Pradesh Sales Tax Act, 1948** (U.P. Act No. XV of 1948), the Governor is pleased to exempt, with effect from November 1, 1988, the sale of fresh sugarcane juice and fresh juice of fruits (other than those sold in sealed or tinned containers) when served to the customers, from tax under the said Act.

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END OF THIS PART

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PART V

NOTIFICATIONS, ORDERS, RULES AND REGULATIONS ISSUED BY U.P. GOVERNMENT, ALLAHABAD HIGH COURT, U.P. BOARD OF REVENUE AND ALLAHABAD BAR COUNCIL

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NOTER-UP TO
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1	382	U P. Area Development Act, 1976	U.P. Area Development (Regulation of Water Supply) (Osrabandi) (Second Amendment) Rules, 1987	1988 LLT-V-58 § [58]
	487	U.P. (Shri) Badrinath and Shri Kedarnath Temples Act, 1939	Amendment Act 19 of 1988	1988 LLT-IV-77
		U.P. Advocates Welfare Fund Act, 1974	Amendment Act 21 of 1988	1988 LLT-IV-67
2	1297	U.P. Cooperative Societies Act, 1965	(1) 3rd Amendment Act, 1987	1988 LLT-IV-14
			(2) Amendment Act 13 of 1988	1988 LLT-IV-58
	1600	U.P. Cooperative Societies Act, 1965	Noti. u/s. 3(2)	(1) 1988 LLT-V-269 § [144]
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3	1927	U.P. Dookan Aur Vanijya Adhishthan Adhiniyam, 1962	4th Amendment, 1988	1988 LLT-V-357 § [224]
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	1948	—do—		
		—Notifications	u/s. 3(3)	(1) 1988 LLT-V-87 § [97]
				(2) 1988 LLT-V-243 § [121]
				(3) 1988 LLT-V-270 § [147]
			u/s. 29	1988 LLT-V-90 § [99]
			u/s. 36(3)	1988 LLT-V-330 § [195]
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			(4) U.P. Settlement of Shops for Retail Sale of Bhang Rules, 1988	1988 LLT-V-108 § [102]
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		—Notifications	(1) u/s. 10(2)	1988 LLT-V-56 § [56]
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4	2819	U.P. Homoeopathic Medicine Act, 1951	Amendment Act 22 of 1988	1988 LLT-IV-66
	3205	U.P. Industrial Disputes Act, 1947	(1) Noti. u/s. 3(*b*)	(1) 1988 LLT-V-264 § [138]
				(2) 1988 LLT-V-238 § [114]
		—Notifications	(2) Noti. u/s. 11-A	1988 LLT-V-327 § [191]
5	3486	U.P. Krishi Utpadan Mandi Niyamawali, 1965	1st Amendment, 1987	1988 LLT-V-326 § [190]
	3555	U.P. Krishi Utpadan Mandi Samitis (Alpakalik Vyawastha) Adhiniyam, 1972	Amendment Act 19 of 1988	1988 LLT-IV-72
6	3557	U.P. Kshettra Samitis and Zilla Parishads Adhiniyam, 1961	U.P. Zilla Parishads (Central Transferable Cadre) (5th Amendment) Rules, 1987	1988 LLT-V-270 § [148]
	4786	U.P. Lokayukta and Up-Lokayukta Act, 1975	Amendment Act 8 of 1988	1988 LLT-IV-30
7	4929	Minimum Wages Act, 1948	(1) Noti. u/s. 3	1988 LLT-V-251 § [126]
		—Notifications	(2) Noti. u/s. 26(2)	1988 LLT-V-268 § [141]
	5117	U.P. Motor Gadi (Yatri-Kar) Adhiniyam, 1962	7th Amendment Rules	1988 LLT-V-300 § [159]
	5167	U.P. Motor Vehicles Taxation Act, 1935	Amendment Act 10 of 1988	1988 LLT-IV-34

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1	2	3	4	5
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			(2) U.P. Palika (Centralised) Services (14th Amendment) Rules, 1987	1988 LLT-V-275 § [149]
			(3) Bye-laws for Cattle Traffic Regulation in Lucknow	1988 LLT-V-260 § [133]
	6821	U.P. Panchayat Raj Act, 1947	Noti. u/s. 12-G	1988 LLT-V-298 § [154]
10	7139	U.P. Prisoner's Release on Probation Act, 1938 —Rules	4th Amendment, 1987	1988 LLT-V-335 § [200]
	7226	U.P. Promotion and Protection of Fruit Trees (Regulation of Harmful Establishments Housing Schemes) Act, 1985 —Notifications	Noti. u/s. 3(1)	1988 LLT-V-256 § [129]
	7288	U.P. Public Premises (Eviction of Unauthorised Occupants) Act, 1972	Noti. u/s. 3	1988 LLT-V-59 § [59]
	7434	U.P. (Regulation of Building Operations) Act, 1958 —Notifications	(1) Noti. u/s. 2(g)	(1) 1988 LLT-V-250 § [125]
				(2) 1988 LLT-V-306 § [169]
				(3) 1988 LLT-V-350 § [214]
			(2) Noti. u/s. 3(1)	(1) 1988 LLT-V-266 § [140]
				(2) 1988 LLT-V-268 § [142]
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1	2	3	4	5
	7435	U.P. (Regulation of Cold Storages) Act, 1976	Noti. u/s. 29	(1) 1988 LLT-V-262 § [135]
				(2) 1988 LLT-V-264 § [237]
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	7594	U.P. Sales of Motor Spirit, Diesel Oil and Alcohol Taxation Act, 1939	1st Amendment, 1988	1988 LLT-V-258 § [130]
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11	7799	U.P. Sales Tax Act, 1948	(1) Noti. u/s. 4	(1) 1988 LLT-V-33 § [25]
				(2) 1988 LLT-V-69 § [77]
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				(3) 1988 LLT-V-306 § [168]
				(4) 1988 LLT-V-342 § [204]
			(3) Noti. u/s. 4-A	(1) 1988 LLT-V-33 § [26]
				(2) 1988 LLT-V-69 § [79]
				(3) 1988 LLT-V-69 § [80]
			(4) Noti. u/s. 4-B	1988 LLT-V-34 § [27]
	8273	U.P. State Legislature (Members' Emoluments and Pension) Act, 1980	(1) 6th Amendment, 1987	1988 LLT-V-87 § [98]
		—Rules	(2) Air Travel Facility to Members Rules, 1988	1988 LLT-V-143 § [106]
			(3) House Building Advance and Conveyance Advance Rules, 1987	1988 LLT-V-18 § [24]
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	(New Act)	U.P. Subordinate Services Selection Board Act, 1988		1988 LLT-IV-23
		—Amendment	Amendment Act 14 of 1988	1988 LLT-IV-59

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1	2	3	4	5
	8344	U.P. State Universities Act, 1973	Amendment Act 9 of 1988	1988 LLT-IV-32
		—do— —Appendices	State Universities (Regulation of Admission to Courses of Instruction for Degree in Education in Affiliated, Associated and Constituent Colleges) Order, 1987	1988 LLT-V-285 § [151]
	8453	—do— —Rules	U.P. Promotion by Selection in Consultation with Public Service Commission (Procedure) (Amendment) Rules, 1987	1988 LLT-V-41 § [33]

Subscribers to U.P. Local Acts are advised to make the above notings in Vols. 1 to 11 at the relevant places

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DATES OF ENFORCEMENT OF ACTS OF PARLIAMENT

(*Arranged Chronologically*)

Act No. and year	Name of Act	Date of enforcement	Provisions enforced
1	2	3	4
1949			
10 of 1949	Banking Regulation Act, 1949	15-12-1987	Whole Act in Sikkim
1958			
44 of 1958	Merchant Shipping Act, 1958	1-10-1988	Section 356-M enforced
1962			
33 of 1962	Atomic Energy Act, 1962	1-4-1987	Whole Act in Sikkim
1973			
59 of 1973	Homoeopathy Central Council Act, 1973	25-8-1987	Chaps. II, III and IV in Meghalaya and Himachal Pradesh.
1982			
40 of 1982	Chit Funds Act, 1982	2-10-1982	Whole Act in Bihar
		2-1-1988	Whole Act in Meghalaya
		1-2-1988	Whole Act in Uttar Pradesh
1984			
5 of 1984	Asiatic Society Act, 1984	3-11-1987	Whole Act
66 of 1984	Family Courts Act, 1984	2-10-1987	Whole Act in Sikkim
1986			
41 of 1986	Apprentices (Amendment) Act, 1986	16-12-1987	Whole Act
53 of 1986	Juvenile Justice Act, 1986	2-10-1987	Whole Act in the States to which it extends.
60 of 1986	Indecent Representation of Women (Prohibition) Act, 1986	2-10-1987	Whole Act
1987			
11 of 1987	Finance Act, 1987	15-10-1987	Chap. V enforced
12 of 1987	Khadi and Village Industries Commission (Amendment) Act, 1987	1-4-1988	Sections 11 to 13 (both inclusive).
16 of 1987	Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987	19-11-1987	Declared as specified date for purposes of Sections 9 and 10.

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1	2	3	4
20 of 1987	Factories (Amendment) Act, 1987	1-12-1987	Sections 2, 3, 4 (so far as it relates to new Section 7-A), 5 to 19, 20 (so far as it relates to new Sections 41-A to 41-E, 41-G and 41-H), 21 to 44, 45 (so far as it relates to the First Schedule) and 46; and
		1-6-1988	Sections 4 (so far as it relates to new Section 7-B), 20 (so far as it relates to new Section 41-F including the Schedule referred to therein) and 45 (so far as it relates to the Second Schedule).
22 of 1987	Payment of Gratuity (Amendment) Act, 1987	1-10-1987	Sections 2, 3, 4(*b*), 4(*c*), 6, 7, 8 and 9.
26 of 1987	Cine-Workers' Welfare Fund (Amendment) Act, 1987	10-8-1988	Whole Act
35 of 1987	Expenditure-tax Act, 1987	1-11-1987	Whole Act
37 of 1987	National Dairy Development Board Act, 1987	12-10-1987	Whole Act
52 of 1987	All India Council for Technical Education Act, 1987	28-3-1988	Whole Act
53 of 1987	National Housing Bank Act, 1987	9-7-1988	Whole Act except Chap. V and Section 49(3).
1988			
3 of 1988	Commission of Sati (Prevention) Act, 1987	21-3-1988	Whole Act
5 of 1988	Parsi Marriage and Divorce (Amendment) Act, 1988	15-4-1988	Whole Act
27 of 1988	Customs (Amendment) Act, 1988	16-8-1988	Whole Act
29 of 1988	Customs and Central Excises Laws (Amendment) Act, 1988	1-7-1988	Whole Act except Sections 4, 5, 11, 12 and 16.
31 of 1988	Companies (Amendment) Act, 1988	15-7-1988	Sections 3, 57(*a*), 63 and 67 (in so far as it relates to the prescribing of fees).
33 of 1988	Employees' Provident Funds and Miscellaneous Provisions (Amendment) Act, 1988	1-8-1988	Sections 2 to 10, 13, 15 to 19, 21, 24, 26 and 27.
		1-10-1988	Section 23
34 of 1988	Special Protection Group Act, 1988	1-8-1988	Whole Act
57 of 1988	Delhi Rent Control (Amendment) Act, 1988	1-12-1988	Whole Act

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Corrigenda

[1]

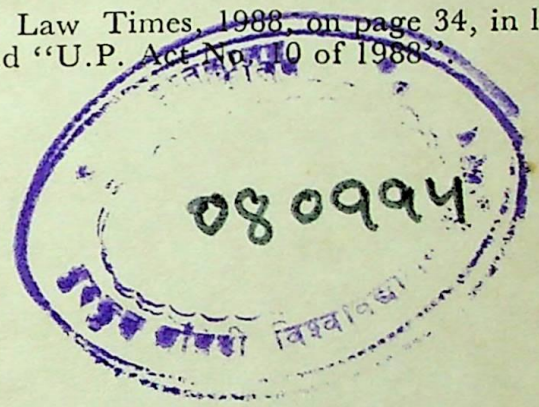
*In National Housing Bank Act, 1987, as published in Part II of Lucknow Law Times, 1988 :—

(*a*) At page 84, in the heading to Section 7, for "Terms", read "Term";

(*b*) At page 96, in Section 47(2), line 7, for "or" read "or of".

[2]

In Part IV of Lucknow Law Times, 1988, on page 34, in line 3 for "U.P. Act No. 15 of 1987" read "U.P. Act No. 10 of 1988".



* *Vide* Gazette of India, Extra., Part II, Section 1, dated 30-5-1988, p. 2.

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